An introduction to and edition of the Suffolk eyre roll 1240 - civil pleas

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The Suffolk Eyre Roll JUST 1/818

Introduction

Eric Gallagher November 2004 - Thesis

SUFFOLK EYRE ROLL 1240

An Introduction to and Edition of the

SUFFOLK EYRE ROLL 1240 - CIVIL PLEAS

A thesis presented to **King's College, University of London**
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VOLUME ONE

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Abstract

The purpose of this thesis is to provide an introduction to and edition of the civil pleas section of the Suffolk Eyre Roll of 1240.

The roll of the Suffolk Eyre held from 30 April to 11 June in the twenty-fourth year of the reign of King Henry III, that is in the year 1240, is to be found under the reference number **JUST1/818** in the National Archives at Kew. It is sixty-three membranes in length and is mostly in an excellent state of preservation. In volumes Two and Three of this thesis a transcription of the Latin manuscript of the Civil Pleas, Essoins and Amercements is given in full, together with a translation of the Civil Pleas and Essoins.

This first volume of the thesis provides an introduction to the document, setting it in its geographical, political and historical context. The contents of the document are described and analysed, particularly in chapters three and four, and the light they shed on the legal processes of the time is considered. Further analysis is attempted in two different areas. The first is to determine the level of money raised from the Suffolk Eyre and the second is to throw light on the structures of society. The Introduction also examines how the Eyre and its judicial processes affected two groups in a relatively inferior social position - villeins and women - and how they could make use of the eyre process. An explanation of the Eyre, its usefulness, both in its time and as a tool for the historian from its records, is offered. Maps and appendices add information to support the text. Indices are also presented, of People and Places for both the text and Introduction, of Pleas for the text, and of selected Subjects for the Introduction, facilitating use of the material in the text or in this Introduction.

DEDICATION

I would like to dedicate this thesis to my wife and both of my late parents. My wife, in particular, has encouraged me in my historical studies through the years and she has helped enormously in the production of this thesis.

Preface

The purpose of this thesis is to provide a transcription and translation of the civil, or common, pleas in the plea roll of the justices in eyre in Suffolk, an eyre which opened in Ipswich on 30 April 1240. It does not cover the criminal and crown pleas. It is hoped that these will be the subject of a subsequent study for the Suffolk Records Society. This eyre took place at a time of relative tranquillity in England with Henry III almost at his most powerful before the balance of power between the barons and the king began noticeably to shift. The close examination of the plea roll of any general eyre is of value in its own right and as an addition to the available canon of published eyre rolls. However, the Suffolk Eyre of 1240 is of particular interest as it is the first from Suffolk to be edited and is also from one of the most populous and economically prosperous parts of England at that time. The roll is also the earliest to survive in full - there is a roll from the Suffolk eyre of 1228 that survives, but unfortunately only for the civil pleas.

The text of the 1240 roll provides the meat on the bones of the introductory analysis. The first chapter sets the geographical scene, provides the topography of the political structures in Suffolk in the thirteenth century, and shows the part played by the general eyre in enforcing royal power in the counties. The justices came to Ipswich very early in William of York's circuit (it was his second county) so the second chapter summarises the progress of the visitation of the eyre in 1240, highlights the types of participants who took part in the eyre and summarises the careers of the principal justices in the eyre. This chapter also tries to estimate the number of people who took part in the eyre in some capacity.

The analysis of the 1240 eyre roll and other relevant documents follows, illustrated by reference to some cases. Then there is a discussion of the civil, or common, pleas in Suffolk and a description of the litigants experience in the main types of civil pleas taken at the eyre. Next, there is a discussion of the financial profits for the eyre, which shows how they formed a significant portion of the royal revenues in the mid thirteenth century. The mechanisms of the assessment and the administrative processes for the collection of debts arising from amercements and fines made in the eyre are also outlined.

Two special groups of participants in the eyre - women and villeins - are analysed in the next two chapters, which try to examine their legal and social status at the eyre within a male and status dominated society. The conclusion briefly analyses the effectiveness of the eyre and suggests possible further studies in the eyre rolls to throw further light on thirteenth century legal, political and social history.

The choice of the Suffolk Eyre was dictated by the fact that I currently live in Suffolk and that nobody had edited a Suffolk Eyre roll before. It was also governed by the fact that I wished, eventually, to cover civil, crown and criminal pleas, and this roll was the first available that covers them all.

Much of the research for this thesis depended on the staff of the National Archives (formerly the Public Record Office) and I give them my thanks for providing me with advice and help. I am also grateful to a number of members of the Suffolk Records Society who provided particular help on the place names of Suffolk. They are: Dr. John Blatchly, Mr. Peter Northeast and Mr. David Dymond. I

also received help from Mr. Simon Mitchell and Mr. Peter Mason in producing the Parish maps of Suffolk produced in the Appendices. I am also grateful for the support of the Institute of Historical Research, both in the facilities and for help freely given by those who attended some of the regular seminars held there. The support, interest and encouragement of my fellow postgraduate students and the staff of King's College London and of those in the King's Library in Chancery Lane have been much appreciated.

I have made every effort to transcribe and translate the text correctly, but I am sure there will be errors that I have missed. Naturally, all such errors are my responsibility but I would like to express my thanks to Dr. David Carpenter, Christopher Whittick and Lesley Boatwright for helping me to keep such errors to a minimum.

My deepest gratitude is reserved to Dr. David Carpenter who gave me every encouragement in my thesis and for his positive assessment of all stages of this work and who managed to direct my work to a positive conclusion.

I would also like to principally say thanks to my wife, Julia, who with patience and forbearance has probably suffered more than most in the production of this thesis. She has also helped considerably to improve it.

Illustrations in the Text

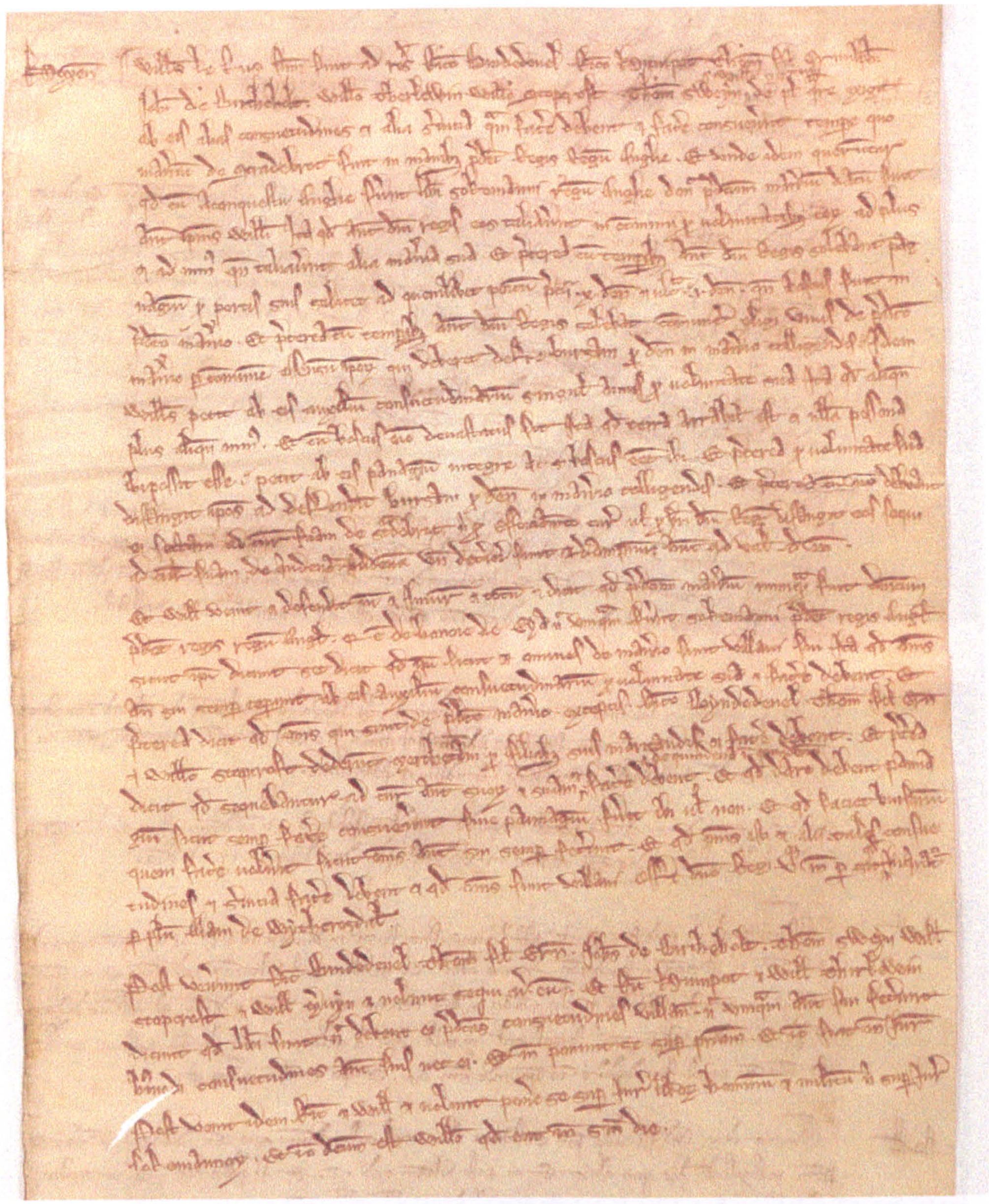

Illustration: 1 - JUST1/818 - Part of Membrane 43d - See 1118 in the Text.

Illustrations continued.

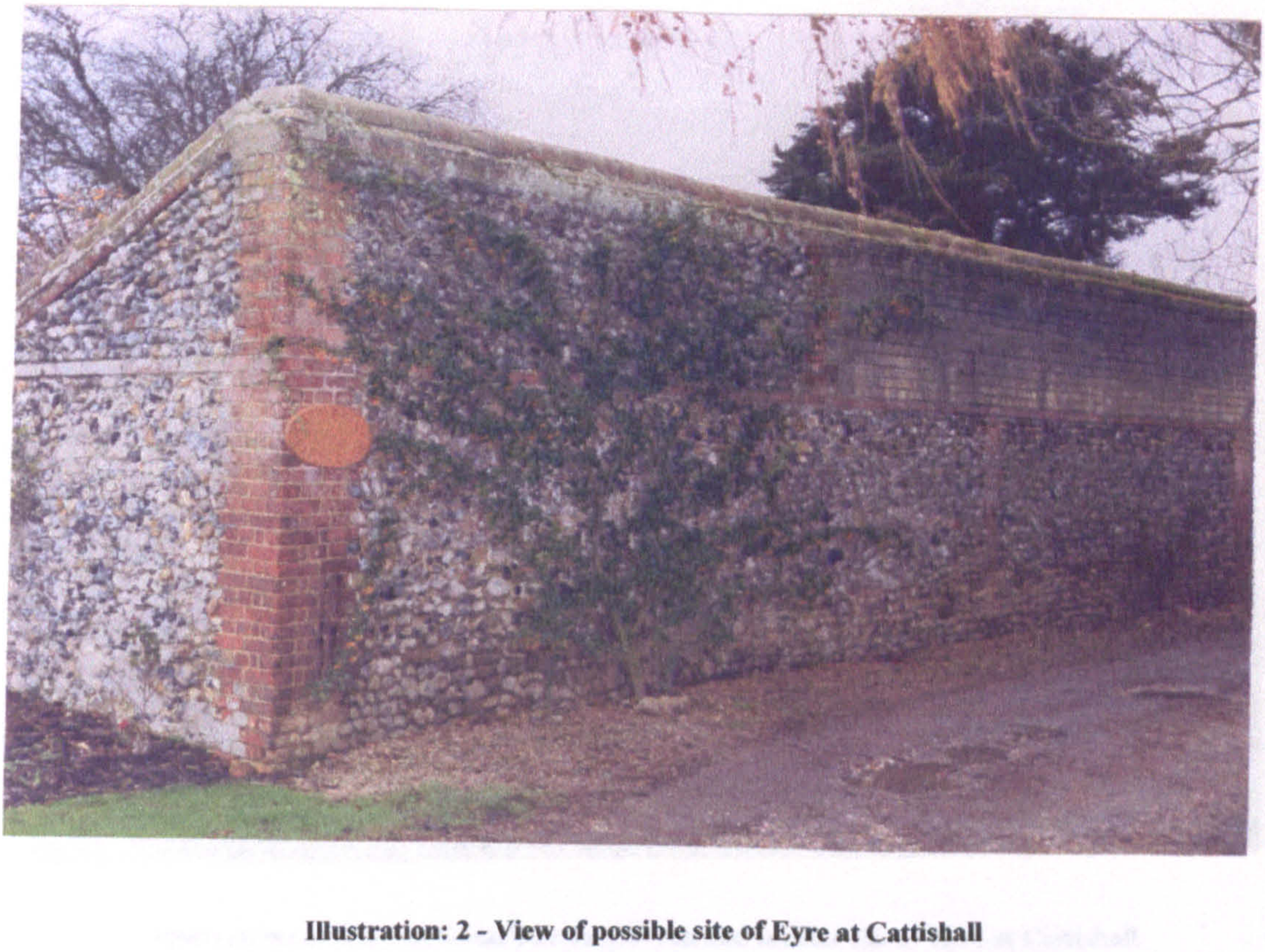

Illustration: 2 - View of possible site of Eyre at Cattishall

All that is left with the name Cattishall - Cattishall Farm. The first view shows the field beyond the farm, which may have been the site of the Eyre at Cattishall with a view of Bury St. Edmunds Sugar Refinery.

Illustrations continued.

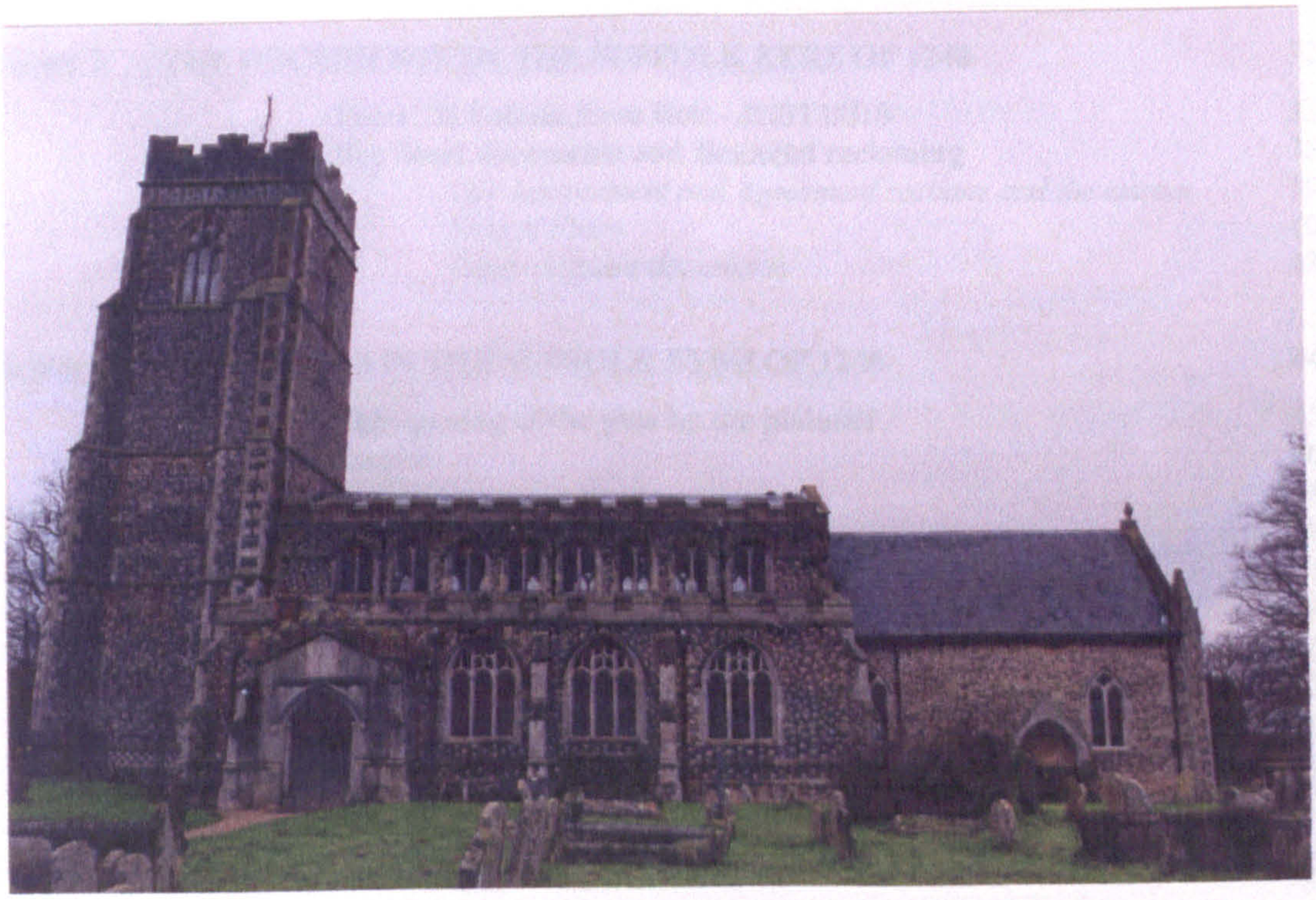

Illustration: 3 - View of Great Barton Church and further site of Eyre at Cattishall

The above is Great Barton Church, but it is nearer to Cattishall Farm than to the centre of Great Barton. It is mostly 14th Century but there is a 13th century chancel. The church may have been used by the Eyre justices at the Suffolk Eyre. The first picture on this page is a field on the other side of the road from the first picture on the preceding page. It is also possible that the eyre took place in this 'field'.

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For **Manuscript Sources** the footnotes indicate the Class and Number as shown in the appropriate Record Office. For example, JUST1/818, followed by the membrane number. The references are shown in the Bibliography on page 166.

For **Printed Primary Sources** the references in the footnotes have been abbreviated in italics as shown in the Bibliography on pages 166-168. For example, *Cal. Pat. Rolls*.

Secondary Sources are shown in two forms in the footnotes.

If a reference is made to a book it is referred to by the Surname of the author, with the title in italics. If a title is referred to more than once in the thesis it is abbreviated. Full details of the book in question may be found in the Bibliography below in pages 168-171.

If a reference is made to an article within a book or journal the reference is given under the initials and surname of the author with the title inserted in full within quotation marks, with the book or journal identified in italics. If subsequently one or more references are made to the article within the thesis the title is abbreviated and the journal title omitted. For common journals their titles are abbreviated as shown in the list in the Bibliography - page 168. For a complete listing of the books or articles in this type of source, see the Bibliography - pages 168-171.

Chapter 1

SUFFOLK: LOCAL GOVERNMENT AND THE GENERAL EYRE

Suffolk: the setting

Suffolk forms a part of East Anglia, which constituted at the time of this eyre what was probably the richest part of England economically, and certainly the most densely populated, assuming no major change since the time of Domesday book[1]. Suffolk has a boundary with Norfolk in the north formed by the rivers Little Ouse and Waveney, and in the south from Essex by the river Stour. The western boundary is not easily delineated by a natural feature although it roughly follows a chalk ridge around the source of the river Stour in the south and the fens in the north west corner around Mildenhall. The eastern boundary is the North Sea. There was probably not much forest land left in the county by the mid thirteenth century as much had been converted into arable land or into grazing land, often for sheep[2]. The county has a total area of 945,414 acres[3] and was the thirteenth largest county in England in the list of counties and their boundaries prior to the 1974 reorganisation of local government[4].

About 60% of the land surface in the county is a chalky boulder clay and this has long been associated with good agricultural productivity. There is another region of light land, or Sandlings, to the south east. The margins of the principal rivers, Waveney, Deben, Gipping (Orwell) and Stour which flow eastwards into the North Sea are mostly loam with some marshland. Very little of the county, apart from its south western corner, is more than 300 feet above sea level but it is by no means flat and devoid of relief.

Agricultural outputs in the form of flax, barley and other grains, sheep and cattle led to thriving local industries producing linen, malt for brewing, wool for cloth and leather. The proximity of the sea made fishing an important activity and resource. The absence of stone, apart from flint, brought about the exploitation of the local clay for the very widespread manufacture of bricks for building materials[5].

Suffolk, like the rest of England at this time, was overwhelmingly rural and with a general settlement pattern which can be described as consisting of a lordly centre with a manor, often in a nucleated village, and with a number of scattered hamlets surrounding the central village. The peasants and villeins in these hamlets providing produce in kind and money to the centre rather than extensive

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[1] See Bolton, *The Medieval English Economy 1150-1500*, p. 12, where Bolton indicates that in Suffolk there was a population density of 15 per square mile of recorded landholders only, but with a probability of around 50 per square mile if his, and others arguments in chapter 2, particularly pp. 47-58 are accepted on the rapidly expanding population in the 13th century. He also indicates that East Anglia as a whole was the most densely populated part of England.
[2] See Miller & Hatcher, *Medieval England, Rural Society and Economic Change 1086-1348*, pp. 7-8. Also, see Appendix C (i) for a map showing the topography of the county.
[3] *VCH - Suffolk*, ii, p. 683. For the general and geological picture of Suffolk see Dudley Stamp, *The Land of Britain, Parts 72-73, Suffolk (East and West)*, pp. 311-312, 314-318.
[4] For the history of the county boundary see: Warner, *The origins of Suffolk*, pp. 147-149.
[5] See Appendix C (ii) for a geological map of Suffolk.

labour services. These hamlets form part of the 'soke' or jurisdiction of the centre, the peasants therein being classed as sokemen[6].

Ipswich, the county's largest town, seems to have been established on the north bank of the river Orwell during the 7th century. It soon became an important industrial and trading centre with a reputation for pottery manufacture which extended well beyond Suffolk. Much later on it embraced new crafts and skills associated with shipping and the building of dock facilities, which are only now coming to an end. In the west the principal town is Bury St. Edmunds, the site of what was, before the Reformation, probably the most influential monastery in the region. Other significant towns are shown on the map provided[7].

There are twenty-four hundreds in Suffolk and they fall in three main areas of the county. The western portion of the county formed one of the largest liberties in England; the eight and a half hundreds of the abbey of St. Edmunds. Here the abbot of St. Edmunds exercised the equivalent rights of a sheriff of the county. There is part of another liberty in the south eastern portion of the county, the five and a half hundreds of the liberty of the abbots of the abbey of St. Etheldreda (Ely), which are around Woodbridge near Ipswich, and where the priors of Ely enjoyed similar privileges. The rest of the Suffolk hundreds took their orders either from the sheriff of Norfolk and Suffolk (the sheriff held a joint sheriffdom for both these counties)[8], the king's appointee, from other appointees of the king, or from some traditional holders of the hundred, for example Hoxne Hundred was traditionally held by the Bishop of Norwich. The king is shown as the lord of the hundred in Blything, Bosmere, Hartismere, Claydon, Lothingland, Samford, Stow and Wangford[9] Hundreds and lay or other ecclesiastical lords held the lordship of the hundred in Hoxne, Loes[10] and Mutford. The list of Hundreds reported by the civil pleas of the Eyre, and those ones belonging to the two liberties, are shown below in Appendix A. They are similar to that shown in the list of hundreds for Suffolk in the Hundred Rolls of 1274-75[11]. This appendix also indicates the number of pleas raised in each hundred where the hundred location is identified.

The analysis of the crown pleas membranes; shown in chapter 3, Table 3 below; also indicates the same hundreds. It also provides a list of the main towns within Suffolk, namely Ipswich, Dunwich, Orford. The other towns shown in the list are: Eye, Sudbury, Clare, Exning, Bungay, Beccles, and Bury St. Edmunds itself - the main town and centre of the Liberty of St. Edmunds - all of which are mentioned in both the civil and crown pleas. These towns exercised most of the functions of the hundreds. This means that the officers of the boroughs could execute the king's writs but could also exclude the sheriff and his bailiffs. The only town not mentioned is Newmarket, although there are two people mentioned as coming from Newmarket[12] - Thomas of Newmarket and Godwina the wife of Rainer of Newmarket in 53

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[6] See Miller & Hatcher, *Medieval England, Rural Society and Economic Change 1086-1348*, p. 21 and Carpenter, *The Struggle for Mastery: Britain 1066-1284*, p. 28 for the settlement pattern. Also, see 1118 below for a case where two of the litigants decide they want to put themselves on a jury of sokemen rather than a jury of freemen.

[7] See Appendix C(iii) below for the significant towns and boroughs in Suffolk as identified in the roll.

[8] See page 17-18 below.

[9] According to Cam, *The Hundred and the Hundred Rolls*, p. 280 the king shared the lordship with the Bishop of Norwich.

[10] The Bigods shared this with the prior of Ely.

[11] See Cam, *The Hundred and the Hundred Rolls*, App. IV pp. 279-280. Also see Appendix C (iii) for a map showing the Hundreds in Suffolk. Appendices C (iv) - (vi) show the vills and parishes within the hundreds in the West, North and South of Suffolk respectively.

[12] Newmarket was almost certainly a relatively new town founded around the beginning of the 13th century. There is a mention of Newmarket in 1200 according to Ekwall, *The Oxford Dictionary of English Place Names*, p. 340. There is also reference to the establishment of a yearly fair in 1223 by Richard de Argentan on the feast of St. Giles - see the fine C60/18 m.3 and that the sheriff

and **224**. It is possible to compare the size of the towns by inference from the lists of taxpayers in the 1327 Lay Subsidy Rolls eighty-seven years later. All the towns shown paid at the rate of a twentieth on movables, those with property valued at less than five shillings being exempt[13].

TOWN	*No. of Taxpayers*	*Total collected*		
IPSWICH	206	£29	9s	0d
BURY ST.EDMUNDS	155	£20	0s	0d
SUDBURY	166	£15	6s	7d
BECCLES	205	£12	4s	9d
EXNING	80	£12	0s	6d
DUNWICH	34	£6	4s	4d
ORFORD	69	£5	8s	8d
BUNGEY	50	£4	19s	0d
EYE	35	£3	12s	0d

Table 1: Taxpayers in Suffolk Towns, 1327

Ipswich was, and is still, the chief town and port in Suffolk and had probably already developed a sophisticated separate market system by 1240. It is known that there was a cloth market for fabrics made in the town itself and at other centres nearby, such as Coggeshall and Sudbury. There were a series of markets for fish, wool, cheese, wood, bread, meat and domestic utensils[14].

Landholders in Suffolk

It has been seen that two landholders in Suffolk held considerable amounts of land, the abbey of Bury St. Edmunds and the abbey of Ely. The abbey of Bury St. Edmunds held in the carucage of 1220, printed in the *Book of Fees*[15], more than 750 carucates, or 90,000 acres in its liberty. The holders of these liberties also held lands outside their respective hundreds. For example, the abbot of Bury St. Edmunds held lands in Wortham vill in Hartismere Hundred and in Mickfield in Bosmere Hundred[16]. Other high ecclesiastics also held considerable lands in Suffolk. The bishop of Norwich held substantial lands in Hoxne and Wangford Hundreds[17]. Religious houses in Suffolk also controlled extensive lands in the county. For example; the Priory of Eye held lands in over 47 vills in Suffolk alone and more elsewhere[18]. The Priory of Blythburgh held lands in at least 50 vills in Suffolk[19], and the Cistercian Abbey of Sibton had twelve

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should hold a yearly view of frankpledge at his manor of Newmarket in 1227 - see *Cal. Chart. Rolls,* i, p. 11. According to Beresford, *New Towns of the Middle Ages*, p. 490 Newmarket established its market on the removal of the market at Exning, on account of the plague in 1223.

[13] See *Lay Subsidy Roll 1327*, pp. 308-310.

[14] See *Monumenta Juridica,* ii, 184ff.

[15] See *Book of Fees,* ii p. 1443 where St. Edmunds Abbey is asked for £75 for its 750 carucates in 1220.

[16] See *Book of Fees,* ii, p. 916 for Wortham and Mickfield - one quarter of a knights fee and half a knights fee respectively.

[17] The bishop held the lordship of Hoxne hundred as well as holding the lands in Hoxne. The bishop also held lands in South Elmham in Wangford hundred. These lands had traditionally been held by the bishops since the bishopric was transferred to Norwich from Thetford. There was also a bishopric based on Hoxne itself before the Conquest - see *Domesday Book- Suffolk* Part Two, 18, 1, m. 379a.

[18] See *Eye Priory,* ii, p. xvi.

[19] See *Blythburgh Priory*, pp. xiii and 20-23.

granges in the counties of Suffolk, Norfolk and Cambridgeshire[20]. The Hospital of St. John of Jerusalem in England, which had an establishment in Ipswich, held a number of lands in Suffolk given to them by benefactors, some of which are shown as in dispute in this plea roll[21]. The Priory of Campsey Ash, which was considered one of the wealthiest nunneries in England, had many lands and was also involved in this roll, very successfully, in a number of pleas to ensure the house's rights to land[22].

There were many lay landholders of significance in Suffolk from the mighty earls to the many knights in the county. The great and extensive honours of Clare and Eye had their *capita* in Suffolk. The Clares came over with William I and received 170 lordships of which 95, including Clare itself, were in Suffolk[23]. Since then the Clares had inherited the earldom of Gloucester with its 260 knights' fees and marcher lordships in Wales. The Clare income from their lands was considered by Harding to be the third highest in England after the Lord Edward and Richard, the earl of Cornwall[24]. Richard, the earl of Cornwall, was a large landholder in Suffolk holding the honour of Eye, with tenants and demesne manors in seventy-five villages scattered across thirteen hundreds[25].

The Bigods, Earls of Norfolk, had about thirty-three demesne manors[26] in Suffolk, Norfolk, Cambridgeshire, Essex, Hertfordshire, Berkshire, Sussex and Gloucestershire as well as lands in Wales. Their principle manor in Suffolk was in Framlingham, where they had a major castle[27].

The Earls Warenne held at least eight manors in Suffolk, including Rattlesden, Wickham and Withersfield[28]. There is evidence in the roll that the Earl Warenne also had an interest in Weybread in Hoxne Hundred[29]. There are not many cases in the roll involving the earl directly, but that is not surprising as he died in 1240 shortly after the end of the Eyre.

I have counted at least 113 separate 'administrative' knights in the civil pleas on this plea roll who can be classed as coming from Suffolk. These knights are defined by Faulkner as being electors of grand assize juries, grand assize jurors themselves, jurors for pleas of attaint, viewers of sickness essoins, and those sent to hear the appointment of an attorney[30]. Many of the knights were also involved as litigants in

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[20] See *Sibton Abbey*, i, pp. 116-117.

[21] For example, see 188 below where in a plea of *novel disseisin* for 2 carucates of land in a tenement in 3 vills in Bosmere hundred, and who wins the plea.

[22] See in particular the utrum case in 932 below.

[23] See *VCH - Suffolk*, i, p. 397

[24] See *Cal. Inq.*, i, nos. 530 and 531, pp. 152-161 and Harding, *England in the Thirteenth Century* pp. 256-257.

[25] See *Cal. Inq.*, iii, no. 604, pp. 477-478 for Norfolk and Suffolk.

[26] Demesne manors are those manors that are managed directly by the lord and whose revenues go directly to the lord. The manors may be operated by his own reeves. This differentiates the land owned by the lord and given to a tenant for a money rent or other services.

[27] See *Cal. Inq. Post Mortem*, i, no. 744, pp. 239-241.

[28] See *Book of Fees*, ii, p. 919.

[29] See 407 below where William, the Earl Warenne, in a *novel disseisin* case is seen as deciding who gets the land in question; possibly as a wardship.

[30] See K. Faulkner 'The Transformation of Knighthood in Early Thirteenth Century England' *EHR* (CXI, 1996) pp. 1-4 for administrative knights as evidence for what is stated above. There are other knights named in the roll who act as sureties or as a witness to a voucher. In the collection of the knights in the roll I have counted as the same knight where there are clear derivations of the same name; for example 'Hubert Gernegan' and 'Hubert Jernegan'. As these were knights of the grand assize or those acting as jurors in attaint cases or those acting as the four to elect a jury, they must have local connections and therefore it is safe to assume that they were landholders in Suffolk. See *Bracton*, iv, p. 57 where the writ for arraigning the assize indicates that the four knights to choose the twelve and the twelve themselves should be from the neighbourhood of the litigants and the place in dispute.
There are additional administrative knights - approximately 56 - mentioned in the roll, who had connections to a different county, mostly Norfolk, as they are involved in foreign pleas as an elector or juror in the grand assize. However, there are a number of knights who take part in the grand assize from a Norfolk plea and also in a Suffolk plea of grand assize, for example William de Alneto who took part in the Norfolk foreign plea 528 and also in the Suffolk plea 530, indicating that he held lands in both Norfolk and Suffolk.
For the numbers of knights see p. 6 (Table 1) in Faulkner's article, which indicates the number of knights in Suffolk as being 197 which she gleaned from the *Curia Regis* and Eyre rolls from 1199-1216, and in fact she estimated that the number could have been

the pleas themselves. Some of the more well known knights are shown as litigants as well as in various offices or on juries of the grand assize. A good example of a local knight made good is Thomas de Hemmegrave. He is shown as being a knight in the retinue of William Longespee, Earl of Salisbury[31] in the reign of King John. He subsequently obtained a grant of free warren in his demesne of Hengrave and Westley in Thingoe Hundred[32] near Bury St. Edmunds, and it may have been around this time - 1233 - that he became a household knight of the king. He acted as sheriff in Norfolk and Suffolk from 1234 to 1236[33] and also became the constable of Norfolk and Orford castles on behalf of the king[34]. He was granted the manor and half Hundred of Mutford in the northern part of the county in 1243 after it had escheated to the Crown[35]. He also acted as an assize judge taking a number of assizes in Norfolk and Suffolk.[36].Thomas de Hemmegrave must either have performed this task on quite a number of occasions or his other duties took up too much of his time as he secured from the king at Clarendon in December 1252 a charter exempting him from acting as a judge, or as a juror or recognitor[37]. Hemmegrave appears on a number of occasions in the plea roll as a juror and as a litigant - in particular see below in the chapter on villeins[38].

Beneath the knights was a substantial body of free tenants holding in fee, whose lands lay wholly in the county and probably consisted mostly of a single property; but some are known to have had more than one property, possibly spread across various hundreds or manors[39]. Domesday Book recorded a rural population of 7,666 freemen plus 769 sokemen, and a villein population of over 10,000[40]. By the mid-thirteenth century this must have grown by around two to three fold[41]. There must have been many assarts from the forest and wastes to cover the increasing population during the time from Domesday to 1240, but the holdings for many of the free and unfree peasants cannot have been more than a few acres in extent, if the size of property in dispute in this roll is any guide[42].

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considerably greater than this - 236. My figure of 113 comes from this 1240 plea roll. J. Quick in 'The Number and Distribution of Knights in Thirteenth Century England: The Evidence of the Grand Assize Lists' in *Thirteenth Century England I*, ed. P. R. Coss and S. D. Lloyd (Woodbridge, 1986) pp. 114-123 calculates the number for the knights in Suffolk as 101, using evidence in this 1240 plea roll. I suspect that he took only the jury lists without also taking the four knights sent to elect the jury. He also calculates this figure from 15 grand assizes. I think Quick may have calculated wrongly on the number of assizes with a jury list. I calculate it as 17 Suffolk plea grand assizes with a jury list and/or a list of knights to elect the jury, one of which is on a membrane not mentioned by Quick in his analysis. My figure of 113 also includes the jury of 24 for a plea of attaint. Naturally there has been some overlap with some knights appearing considerably more than once in the lists, but they have only been counted once. This evidence does not necessarily invalidate Faulkner's arguments as to why the number of knights diminished in the thirteenth century; in fact it may well validate it for Suffolk at least.

[31] *Rot. Litt. Claus 1204-27*, i, p. 80.

[32] See *Cal. Chart. Rolls*, i, p. 134.

[33] See *Cal. Pat. Rolls, 1232 - 1247*, p. 46.

[34] See *Cal. Pat. Rolls, 1232 - 1247*, p. 143.

[35] See *Close Rolls, 1231-1234*, p. 73 where the king orders the sheriff 'to make it so'; that is it now is under the control of the king.

[36] See Patent Rolls- Meekings Notes, in the shoebox in the strong room at the National Archives, 22 Henry III, C66/48, no 822 and 926 where Thomas acts as an assize judge at Ipswich on an assize of *novel disseisin* and in 25 Henry III, no. 990 where he acts as a judge at Bury St. Edmunds .

[37] See *Cal. Chart. Rolls*, i, p. 413. It is possible that he was one of Waugh's reluctant knights but I think this is unlikely as he died in 1253 shortly after the king granted his request; so it was probably on account of his age. See S. L. Waugh, 'Reluctant Knights and Jurors: Respites, Exemptions and Public Obligations in the Reign of Henry III', *Speculum*, lviii (1983), pp. 937-986.

[38] See chapter 6, pp. 73-86. For a general picture of Thomas de Hemmegrave see Gage, *History and Antiquity of Hengrave in Suffolk*, pp. 79-94 where Gage provides a general history of the Hemmegrave family.

[39] For example Richard son of Osbert has interests in Samford and Blything Hundreds in Suffolk - see 287 and 529 respectively.

[40] See Darby, *The Domesday Geography of Eastern England*, pp. 168-172 for a discussion on the population of Suffolk in 1086. The villein total includes those unfree elements classed as 'bordars' or 'serfs'.

[41] See arguments in Carpenter, *Struggle for Mastery*, pp. 31-32, Bolton, *Medieval English Economy*, ch. 2 and Titow, *English Rural Society 1200-1350*, pp. 68-71.

[42] See Appendix B below for the size of the tenements involved in disputes, which indicates that over 60% of the lands in dispute were less than 9 acres in extent.

Introduction - Suffolk: Local Government and the General Eyre

Local government in Suffolk

The king was expected to fulfil his coronation oath as shown in *Bracton* 'that true peace shall be maintained ... throughout his reign' and 'that he will cause all judgements to be given with equity and mercy ... in order that by his justice all men enjoy unbroken peace'[43]. In order to maintain peace and dispense justice the king had developed structures of local administration, most of which were to allow him to dispense justice and protect his financial and political interests. One element in the dispensation of justice, and control of the local administration, was by means of the general eyre.

The sheriff's most important function was to maintain the security of the county on the king's behalf. This was often achieved by controlling the most important royal castles in the county, either directly, or through his agents. The sheriff at the time of this eyre and through to the Tudors in the sixteenth century was responsible for the two counties - Norfolk and Suffolk. He had two main royal castles for which he was answerable to the king - Norwich and Orford - although in the thirteenth century castles were increasingly placed under separate castellans. As was shown in the last section Thomas de Hemmegrave had the title of 'constable' of Norwich and Orford royal castles, while also acting as sheriff of the two counties - Norfolk and Suffolk -in 1234-1236. If a hundred was in the king's hands, or the lord of the hundred did not have the privilege of excluding him, the sheriff had his own judicial function at his twice yearly tourn at the hundred court where he would dispense justice. At the meetings of the County court[44] he would act as the presiding officer. He would also be used as an agent of the court to carry out its judgements. The sheriff would be accountable to the king for the holding of the shire and hundred courts and could be brought to book by the general eyre[45]. The sheriff also accounted at the Exchequer for the annual farm of the county, plus any increments demanded by the king, and the judicial amercements made at the eyre[46]. He also collected all the king's debts and was responsible for carrying out any of the orders of the eyre court, especially orders for distraint by taking 'lands into the king's hands' to enforce verdicts or compel appearance in court[47].

The sheriff had quite a number of subordinates. In 1258 the barons asked, as one of their demands, for a close scrutiny of local government, which was to cover 'all bailiffs... and all their dependents within and without liberties'. The terms of the inquiry then lists a number of the officials under the sheriff: 'under-sheriffs, itinerant serjeants, serjeants of hundreds, bedels, sub-bedels, bailiffs of liberties, and all bailiffs whatsoever'[48]. Bailiffs, royal or seigneurial depending on who held the lordship of the hundred, held courts in each hundred. The bailiff of the Hundred of Lothingland is seen in the plea roll as being involved in the seizure of the lands of an outlaw - Herbert - after he had abjured the realm[49]. Normally there would be a complete set of the office holders and jurors of each hundred listed in the crown plea section of the plea roll but none is shown in this roll except for the town of Dunwich, which comes just

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[43] See *Bracton*, ii, p. 304.
[44] In Suffolk this was every four weeks.
[45] For the sheriff's judicial functions see Cam, *The Hundred and the Hundred Rolls*, pp. 107-128.
[46] The farm also included the returns from the royal manors, which remained within it, and amercements arising from the pleas in the county and hundred courts.
[47] For a complete list of the sheriffs in Suffolk during the reign of Henry III see Appendix D. For all the functions of the sheriff see Cam, *The Hundred and the Hundred Rolls*, pp. 59-128 and pp. 128-136 for the sheriffs colleagues and subordinates.
[48] See *Chronica Majora*, vi, p. 397. Paris provided this list of offices as part of the inquisition that took place in 1258 into the conduct of royal officials in each county, and who had been corrupt and which led ultimately to the Provisions of Westminster in 1259.
[49] See 894.

before the civil pleas for the town[50]. There are three bailiffs, two electors and two coroners shown for Dunwich, as well as the twelve jurors for the town.

The General Eyre and Suffolk

By 1240 the General Eyre visitations sent out by the central government from Westminster into the counties had become a regular mechanism for linking central and local government and had developed their administration, bureaucracy and records to a high degree[51]. These visitations were carried out by groups of itinerant justices, often in well defined circuits covering the whole country before the start of the Eyre. The king used the General Eyre to deliver his justice - both civil and criminal - throughout the kingdom, to oversee the performance of the local officials, ensure that royal rights were not impinged, raise revenue and possibly to determine if there are any special local difficulties within the county that ought to come to the king's attention. The money raised and the information received were found to be useful to effective medieval kingship.

Local inquests by royal officials were not new. Domesday Book was compiled from local inquests made by travelling commissioners, which were then brought back to the king for summary and inclusion in Domesday. The origins of the eyre system are obscure but they certainly date back at least to the reign of Henry I. It has also been shown by Reedy that a large degree of judicial activity took place around 1130, which is recorded in the Pipe Roll of that year. It indicates that a number of judges were splitting up the country between them to hear pleas. Richard Basset, for example, is shown as covering Sussex, Leicestershire, Norfolk and Suffolk[52]. However, it seems these 'Eyres' were ad-hoc arrangements which were not part of any general circuit. There is also little or no indication of what types of plea - other than crown pleas - they actually heard.

The General Eyre system can be seen effectively to have started at the Assize of Clarendon in 1166 when 'a complex set of instructions to travelling justiciars with fiscal and criminalistic purposes' was set out[53]. However it was really at the Assize of Northampton in 1176 that the first chronicled General Eyre could be said to have taken place in its complete form with its groups of itinerant justices appointed to defined circuits that covered the whole country.

Justices were commissioned 'to travel from county to county for the hearing of all pleas'[54] (*omnia placita)* and according to defined *capitula itineris,* or articles of the Eyre, set down for the Eyre. For the Assizes of Clarendon and Northampton the *capitula* were probably as defined in the Assizes

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[50] The kalendar of juries of presentment would normally be shown at the beginning of the crown pleas, as shown in the Berkshire Eyre Plea Roll JUST1/38, mm. 30-30d. The Suffolk Eyre Roll kalendar is presumably lost.
[51] For a description of the increase in bureaucracy and records see Clanchy, *From Memory to Written Record* (Oxford, 1993), pp. 62-78 and pp. 81-98 for the types of records.
[52] See Reedy, 'The Origins of the General Eyre in the reign of Henry I', *Speculum*, XLI (1966), pp. 688-724 on the 'eyres' of Henry I. See *Pipe Roll 31 Henry I*, pp. 34, 10, 59, 70, 88, 94, 98 and 106 for all the counties covered by this 'Eyre'. Also see: Green, *The Government of England under Henry I*, pp. 106-110 for the debate on the start of the Eyre system.
[53] See Van Caenegem, *Royal Writs in England From the Conquest to Glanvill*, p. 29. Also see Harding, *The Law Courts of Medieval England*, p. 53 on the significance of the Assize of Clarendon in the development of the Eyre system. For a general view of the introduction of the Eyre system and the Angevin legal reforms introduced by Henry II see Hudson, *The Formation of the English Common Law - Law and Society in England From the Norman Conquest to Magna Carta*, pp. 118-146.
[54] See *Bracton*, ii, p. 308.

themselves[55]. Later the *capitula* were revised and expanded and had probably risen to about thirty-six by 1240[56]. The *capitula* gradually became a standard list which could be added to, but once added to the list they tended to remain as part of the standard list. The juries of presentment, who were the leading freeholders of each hundred or borough in the county, responded to these *capitula* at the opening session of the Eyre[57]. The *capitula* in general covered the hearing of the crown pleas, that is the criminal pleas and the investigations and gathering of information into royal rights, raised since the last Eyre, and which also included the investigation of the deaths reported by the coroner. The Eyres gathering information on the king's rights in the localities and ensuring that his rights were protected were not particularly popular. For example, in this eyre there is a jury investigating whether the king or the lord of the manor had rights of wreck in Wrentham[58]. The impositions connected with criminal pleas were likewise unpopular. The localities would often have to pay amercements for tiny infractions of procedure, or the *murdrum* fine was imposed arbitrarily[59]. In addition the chattels of all convicted criminals and outlaws went to the king.

The justices were also expected to hear the common, or civil pleas, for which the Eyre had become popular with local landowners. But, during the reign of Henry III there were growing intervals between the holding of the General Eyre in the counties so other commissions of justices of assize, and of gaol delivery[60] for the criminal pleas, were sent out and sometimes these commission justices consisted of knights of the local communities[61]. There were about twenty-four cases of possessory assizes heard by justices in Suffolk on at least twelve separate occasions in the year 25 Henry III, or from 28 October 1240 to 27 October 1241[62]. There are naturally many more for the other counties which is a good indicator of the popularity of the possessory assizes in the localities. Alongside these possessory assizes would be the local gaol deliveries. However, there was no apparent organised and regular system put in place at this time for these assizes and gaol deliveries, but they would often be performed together, either by four knights or one or two justices. Later in Henry's reign the gaol deliveries did become more regular between Eyres.

There are two known visitations of General Eyre justices during Richard's reign during which Suffolk was visited; 1194-1195 and 1198-1199; and also two in John's; 1201-1203 and 1208-1209[63]. The number of Eyres in Suffolk launched during the reign of Henry III is shown to be eight which matches the

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[55] A total of 22 for Clarendon and 13 for Northampton. See *Hoveden*, ii, pp. 248-252 for Clarendon and: ii, pp. 89-91 for Northampton. The clauses for Northampton are also shown in the *Gesta Regis*, i, pp. 108-111 which is now considered to be an earlier version of Howden's chronicle.

[56] This estimate is based on the lists as defined in *1249 Wiltshire Crown Pleas*, pp. 27-33 where Meekings provides a probable date when the individual *capitula* were introduced. By 1272 the number of *capitula* had risen to 69 according to Cam, *The Hundred and the Hundred Rolls*, p. 30.

[57] See *Bracton*, ii, pp. 329- 333.

[58] Wreck is the right to seize objects cast on the shore - see Plucknett, *A Concise History of Common Law*, pp. 422-423. The plea referred to is 265 where Simon de Pierpont is defending his right to the wreck of the manor of Wrentham against the king. In this case he wins as the selected jury find for him and against the king. In the *Patent Rolls*, 1232-1247, p. 267 there is an order to the sheriff to take into his hands Simon's lands, presumably on his death. However , Coppinger in *The Manors of Suffolk*, ii, p. 211, indicates that the Pierponts still had the right to wreck at Benacre and Wrentham at the time of the Hundred Rolls (1274-75) and the Quo Warranto inquiries in 1278 and onwards.

[59] See *1248 Berkshire Eyre*, p. 305, no. 746 where the justices imposed a *murdrum* fine upon a vill when it was obviously an accidental death. The justices had to investigate all the deaths that had occurred since the last eyre.

[60] The assizes and gaol deliveries were often performed together by the justices of assize. See *Close Rolls, 1237-1242*, p. 442 where all assizes and gaol deliveries were expected to be heard by the Archbishop of York and William de Cantilupe in Suffolk.

[61] See footnote 36 above on Thomas de Hemmegrave acting as a judge at these possessory assizes. A number of other knights shown as jurors or electors of a grand assize are also evident in these possessory assizes, for example Hugh Burt.

[62] See Patent Rolls- Meekings Notes, in the shoebox in the strong room at the National Archives, 25 Henry III for the Suffolk cases. The Close Rolls are also lost for 1238-1239.

[63] See Crook, *Records of the General Eyre*, pp. 47-48 for the visitations in these reigns.

number of visitations, or almost complete visitations in this reign[64]. Eyres were held in Suffolk in 1219, 1228, 1234-5, 1240, 1245, 1251, 1257-8 and 1268-9. This means that there is, on average, a visitation every seven years of Henry's reign, which by the 1260s was regarded as the customary frequency[65]. However, during the period 1234 to 1258 there were four eyres in Suffolk of which the first three occurred every five years[66]. The business of the Eyre must also have increased given the number of days taken by the Eyre in Suffolk[67]. In the Eyre of 1208-1209 the Eyre court sat in Suffolk for only eighteen days whereas in the final Eyre of Henry's reign it sat for ninety-one days in 1268-1269[68]. In this 1240 eyre it sat for a total of twenty-three days[69].

The Eyre system was also getting more organised and bureaucratic during the reign of Henry III. In fact, it could be considered that the high point of the Eyre system was during his reign. It was probably acting almost at its most regular and efficient at the time of the Suffolk Eyre in 1240. Later there were many innovations, small in themselves, but which improved the record keeping and the follow up to what was one of the main purposes of the Eyre; the raising of money for the king. The innovations made to the plea roll included the separation of the roll into separate parts for foreign pleas[70] (those relating to other counties to the county being visited), amercements, essoins and attorneys. These helped the sheriff and the justices to keep on top of their increasing administrative load and the sheriff to keep track of the payments owed to the king. Money was raised from a variety of sources in both the criminal and civil pleas. For the criminal pleas it might come, as we have said, from penalties imposed on hundreds, vills or tithings[71] in the form of *murdrum* fines and a variety of other amercements. It might also come from the sale of chattels of outlaws and convicted criminals. In respect of civil pleas money came from amercements for false claims, for non prosecution of the plea by the plaintiff, for withdrawal from a plea after the case has started and for losing the case. Money could also be raised from payments for final concords made at the court, such concords being agreements made and produced on a chirograph between the plaintiff and defendant.

Norfolk, Suffolk, Yorkshire and Lincolnshire were counties visited most frequently by the justices in eyre, precisely because they contributed the most money to the king's treasury. The eyre in Suffolk in 1240 alone contributed more than 3% of the total raised by an eyre visitation to all the counties to the treasury, as shall be seen later[72]. It was essential to the king to maximise his revenue from this source,

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[64] See Appendix E below for the dates the Eyre met in Suffolk and Crook, *Records of the General Eyre*, pp. 48-51 for the visitations in Henry III's reign for all the counties.

[65] See Helen M. Cam, 'Studies in the Hundred Rolls' in *Oxford Studies in Social and Legal History*, ed. P. Vinogradoff, viii, (Oxford, 1921), pp. 83-88 where she indicates that this requirement was part of the list of barons' reforms, although Treharne appears to indicate that although this was an unwritten norm it was not written into the demands of the barons - see Treharne, *The Baronial Plan of Reform*, pp. 188-189.

[66] See chapter 5 below on 'The Issues of the Suffolk Eyre' where the reason for this increased frequency is discussed.

[67] See David Crook, 'The Later Eyres', *EHR*, 97 (1982), pp. 242-243 for the increase in the business transacted at the eyre - particularly after 1278.

[68] See Crook, *Records of the General Eyre*, pp. 70 & 135. The number of days calculated exclude Sundays - see footnotes 14 and 15 on page 24 below as to why they are excluded from the sitting days.

[69] See chapter 2, p. 24 below.

[70] Probably from 1247 onwards - see below in chapter 2, footnote 11.

[71] The tithing was in some counties a sub-division of the hundred, or in effect a lord's 'view of frankpledge' so it looks as though the suit was originally brought in the lord's court first then Agnes brought it in the county court, and finally it ended up in the eyre. See *Fleta*, edt. by H. G. Richardson and G. O. Sayles, ii (Selden Society, 1953), pp 174-176 for a list of wrongdoings which the sheriff can ask the tithing about from the head of the tithing at the sheriff's tourn at the Hundred Court. However he would not have this privilege for a 'view of frankpledge', hence the need to go to the County.

[72] See chapter 5 below for The Issues of the Suffolk Eyre' where the amounts from Suffolk as shown on the amercement section at the end of this plea roll - JUST1/818 mm. 56-62 are shown. The civil plea amercements and agreements are also shown at the end of the transcribed text below.

given that Henry III did not manage to persuade his magnates to grant him taxation after 1237. Among the objections raised to Henry's request for an aid in 1256 for his intervention in Sicily was 'the impoverishment of the kingdom by eyres'[73].

[73] Annals of Burton in *Ann. Mon.*, i, p. 387. Also see J. R. Maddicott, 'Magna Carta and the Local Community', *P & P*, 102 (1984), p. 48 for the influence of the activities in the eyre on the grievances of the barons in 1258.

Chapter 2

THE SUFFOLK EYRE OF 1240

The Suffolk Eyre of 1240 was part of a general visitation which took place in the middle of a relatively stable period in the personal reign of Henry III, which is conventionally thought to date from the dismissal of his great ministers, Hubert de Burgh in 1232 and Peter des Roches in 1234[1]. The mandate for the visitation, of which the Suffolk Eyre of 1240 formed part[2], was probably commissioned in the early part of 1239[3]. A mention is made of the visitation of 1239-41 in Matthew Paris as he considered the reason for calling the Eyre was 'to get plunder for the King's coffers under the guise of administering justice'[4]. Given that Henry III seems to have had difficulty in raising money from his magnates this might be why he and his surrounding bureaucracy perfected the eyre process and used it as often as they did[5]. It was just over five years since the last Eyre in Suffolk[6], which is less than the convention of seven years between eyres within a county referred to in the 1260s[7].

The Suffolk visitation of 1240

The eyre visitation of 1239-1241 consisted of two circuits and each has come to be known as the circuit of the chief justice within the circuit, Robert de Lexington and William of York.

Each of the two teams of justices began its circuit at a slightly different time. Robert de Lexington began his in Northamptonshire in October 1239 and completed it in January 1240 and then moved onto Leicestershire later that month[8]. William of York, who led the second circuit, began his work in Norfolk in January 1240 because he had remained on the bench at Westminster until the end of

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[1] For the downfall of Hubert de Burgh see Carpenter, *The Reign of Henry III*, pp. 45-60, and for the fall of Peter des Roches and see Powicke, *King Henry III and the Lord Edward*, pp. 125-138.
[2] See Appendix E below.
[3] This is an assumption as there are no surviving Patent Rolls for 1238-1240 and also the Close Rolls are lost from 1238-1239. It is a reasonable assumption because there is a mandate in the Patent Rolls for the Eyre of 1234-1235 - see *Cal. Pat. Rolls 1232-1247*, pp. 76-78.
[4] This quote is from Meekings, *1249 Wiltshire Crown Pleas*, p. 7. It was an amalgam of two thoughts by Matthew Paris who wrote of the justices of the 1239-1241 Eyre visitation that 'Under the pretence of justice, they collected a huge sum for the use of a King who squandered everything' and similarly in a reference during the visitation of 1252-1258 where he referred to the money raised by Henry III as 'Whatever he could extract from the rapines of the itinerant justices'. See Matthew Paris, *Chronica Majora*, iv, p. 34 and v, p. 458.
[5] The king's request for an aid on movables was refused by the magnates after 1237 on six separate occasions: 1242, 1244, 1248, 1253, 1257 and 1258. See Harriss, *King, Parliament, and Public Finance in Medieval England* p. 29. Also see Chapter 5 below for further information on this topic.
[6] This assumes that the visitation of Adam the son of William in September 1235 is not taken into account The roll of the proceedings of Adam son of William survives - JUST1/1173 - in the National Archives and his name is used as a heading in the Pipe Roll from Michaelmas 1236. It is still there in the first Pipe Roll immediately after this eyre at Michaelmas 1240. Adam's visitation took place at Thetford and covered both Norfolk and Suffolk. He dealt with crown pleas, in particular those indicted in the 1234-35 Eyre for Norfolk and Suffolk but who had fled and had since returned.
[7] See chapter 1 above, in the section 'The General Eyre and Suffolk' where it is suggested that Norfolk, Suffolk, Lincolnshire and Yorkshire were more frequently visited at this time to obtain greater revenue for the king. I agree with Stacey, *Politics, Policy and Finance under Henry III, 1216-1245*, p. 213 where he argues that the king had become financially dependant upon the eyre as a source of revenue and these were his most populous counties and from which he derived most financial benefit.
[8] The dates of the early part of the eyre as shown in Crook, *Records of the General Eyre*, pp. 97-100 for Lexington's circuit were mostly taken from the Feet of Fines for each county. The later county eyres of 1242-1244, which consisted of those counties left out of the main visitation of 1239-1241, can be followed in the *Cal. Pat. Rolls, 1232-1247* or the *Close Rolls, 1242-1247*.

the Michaelmas term in 1239[9]. York and his team were in Norfolk, at Norwich, from 19 January 1240 until 16 February 1240. It looks as though the team then split up for the remainder of the pleas at King's Lynn and Great Yarmouth as the Feet of Fines for the agreements at Great Yarmouth indicates only three of the justices taking the pleas - William of York, Roger of Thirkelby and Jeremy Caxton. So it is assumed that the other three; Ranulf the Abbot of Ramsey, Henry of Bath and Gilbert of Preston took the session at King's Lynn[10].

From Norfolk the justices went to Suffolk and probably opened the eyre at Ipswich on Monday 30 April 1240[11]. The date, taken from the earliest dated agreements on a Final Concord and on the essoins in this roll, is shown as the quindene of Easter at Ipswich [Sunday 29 April 1240][12]. Crook indicates that the eyre also started in Ipswich on Sunday 29 April 1240[13], but I have taken the view of Cheney[14], that the court would not normally sit on a Sunday, although it could do so in an emergency[15]. The crown pleas were only started at Ipswich on Monday 7 May 1240[16], the date given in the heading on the roll, and probably ended on Tuesday 15 May 1240 when the civil pleas may have also ended[17]. The court moved to Cattishall and probably began to hear pleas on Monday 21 May 1240 and closed its session there on Thursday 31 May 1240. According to the surviving Feet of Fines there was also a session at Cattishall on Monday 4 June 1240 as there are some 13 final concords surviving with this date. The session at Dunwich opened and closed on 11 June 1240. The total number of sitting days of the court was probably as follows at the three venues:

Ipswich	12[18]
Cattishall	10[19]
Dunwich	1.

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[9] See Crook, *Records of the General Eyre*, p. 97.

[10] See Crook, *Records of the General Eyre*, p. 100. It is also evident from the Feet of Fines where those shown for Great Yarmouth only show the three justices named, even though the King's Lynn equivalents show all the justices. The fact that both places were being visited at the same time indicates that they must have split up.

[11] As Meekings indicates in his book on the Wiltshire Eyre 'it is on Final Concords, essoins and foreign pleas that we depend for estimating the duration of the Eyre,.....'. See Meekings, *Wiltshire Crown Pleas*, p. 21. In the case of Suffolk a separate portion of the roll for foreign pleas is not present because the system had not yet been developed by the clerks to do so. According to Meekings the system of separate rolls for foreign pleas was only started in 1247 and they tended to indicate a set of return days when the hearing of the foreign pleas began in a separate heading on the roll from which the dates could be determined. The Suffolk foreign pleas are spread throughout the civil plea roll for the 1240 Eyre in Suffolk in JUST1/818. Therefore they cannot be used for dating.

[12] See CP 25(1) 213/17/85, which indicates the date of the agreement as the quindene of Easter and the Plea Roll JUST1/818, m.1, which also has a heading indicating that the essoins were taken at Ipswich on the quindene of Easter. Easter in 1240 was on Sunday 15 April. The quindene of Easter is therefore Sunday 29 April 1240.

[13] See Crook, *Records of the General Eyre*, p. 101.

[14] See Cheney, *Handbook of Dates*, p. 66.

[15] G. O. Sayles argues that Sunday was a normal day for business unless it was for one of the major feasts; for example Easter. See *Sel. Cases King's Bench*, ii, p. lxxvi. It is possible that the eyres did so due to the limited time to hear all pleas. As both civil and criminal add up to nearly 1400 pleas in this Suffolk plea roll of 1240, it is possible it may have done so in this case.

[16] See the heading on membrane 45 of JUST1/818, which is the start of the crown pleas. It indicates that the crown pleas ' a die Pasche in tres septimanas', which would normally be on Sunday 6 May 1240, but for the same reason above it is likely that the pleas actually started on the Monday. For all the dates for the Suffolk Eyre of 1240 see Appendix E below.

[17] There are 23 chirographs with the date of Tuesday 15 May 1240 made at Ipswich. I would argue that it is probably the date of completion of eyre at Ipswich and not Sunday 13 May as shown in Crook, *Records of the General Eyre*, p. 101. See Appendix G below for the dates of the chirographs made at the eyre. This evidec egives a total of 30 elapsed days from the start date of the eyre .

[18] This assumes that no business was done on the feasts of Sts. Philip and James (1 May 1240) and the feast of the Invention of the Holy Cross (3 May 1240).

[19] This assumes that no business was done on Ascension Day (24 May 1240).

Introduction - The Suffolk Eyre of 1240

The participants in the 1240 Suffolk Eyre

The participants in this Suffolk Eyre were many and varied in their roles. There were the justices, clerks and ushers, as well as the jurors and the litigants themselves, or their attorneys, directly involved in the pleas. Many of the litigants may also have had *narratores*[20], who would act for them as a sort of barrister. There would also be other people present some of whom would be used to enforce the will of the court and others who would answer to the 'articles of the Eyre'. These would include the sheriff, the previous sheriffs since the last Eyre in Suffolk who were still living[21], the existing sheriff's constables etc. and also the leading men and freeholders in the hundreds, towns and vills from whom the jurors of the hundred would have been elected. It would be the jurors of the hundred or the boroughs, as the juries of presentment in the crown pleas, that would answer to the 'articles of the Eyre'[22]. Unfortunately in the roll only one kalendar of juries etc has survived for one of the towns - Dunwich. It names the 12 jurors, 3 bailiffs, 2 coroners of the town and the 2 electors[23]. There would have been a similar set of people, for each hundred or borough present at the eyre, except for the coroners. The number of jurors for each hundred or borough is indicated in the crown plea membranes, but not their individual names. I have calculated that the number of jurors comes to 384[24]. The number of coroners was four for the county of Suffolk and a variable number for the boroughs[25]. The bailiffs were specific to the 10 boroughs and to the 24 hundreds[26]. I calculate that there would have been approximately 450 men involved as jurors, coroners, electors and bailiffs from the hundreds and boroughs[27]. Those mentioned above as officers of the hundred, borough or vill are at the eyre to answer on the crown pleas and to the 'articles of the Eyre' This number would be in addition to the number of people having a direct involvement in the eyre as litigants etc.

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[20] See P. Brand, 'The Origins of the English Legal Profession' in *The Making of the Common Law*, pp. 6-7 where he indicates that 'by 1239, then, there was a group of presumably professional lawyers able to specialise in the functions of the serjeant and in practice in the Bench, though also perhaps available for employment elsewhere. There are two cases of men amerced ' pro stultiloquio' - false and frivolous pleading - in the amercements. See 1642, for 'Johanne Rouland' and ' Willelmo Angot', and 1644, for 'Thoma Geremy', who may have been serjeants pleading on somebody else's behalf. Unfortunately the pleas, in which they may have appeared, are not known.

[21] There were three such sheriffs in Suffolk - see Appendix D below.

[22] See Meekings, *The 1235 Surrey Eyre*, i, pp. 24-26.

[23] See m. 44. The jurors of Dunwich appear to be specific to Dunwich, they certainly take no part in any grand assizes but they probably took part only in the crown pleas. The electors, who also acted as jurors, were probably chosen to elect the remaining jury by the bailiffs, who then would answer the queries from the justices as part of the 'articles of the Eyre' and which were normally shown the plea roll under the crown pleas. The jury also presented the crown pleas to the justices. See Harding, *England in the Thirteenth Century*, pp. 84-85. See Pollock & Maitland, *History of English Law*, ii, p. 645 for the election of the jury by the electors, who would be knights. This is also implied in *Bracton*, ii, pp. 327-329.

[24] This might be increased to 387 if the number of jurors for the vill of South Elmham, which in the crown pleas is shown as '6' in m. 49d, but is indicated as '3' in the amercement section for the crown pleas -m. 57. South Elmham was deemed to be a quarter of Wangford Hundred in which it is located, and it came by '9', so I think the '3' a more likely figure.

[25] Ipswich had four after King John had chartered them in 1200 - see Pollock & Maitland, *History of English Law*, i, p. 658. The coroners, electors and bailiffs for the hundreds and boroughs are not enumerated in the roll, but I think they can be estimated by using a similar number as Dunwich.

[26] Ipswich had 2 bailiffs, who were taken from the four coroners, but this is not the case for Dunwich, so it cannot be assumed the other boroughs followed Ipswich - See Pollock & Maitland, *History of English Law*, i, p. 658. There appears to be one bailiff for each of the hundreds.

[27] This assumes that each of the hundreds, boroughs etc. will endeavour to produce the same numbers and types of office holders as Dunwich, plus the numbers indicated as jurors in the crown pleas. I make the number of officers to be brought for Suffolk to about 450. However, there maybe some duplication of the names that are named as jurors in the civil pleas. On top of this number would be the judges, clerks and officers of the court who travel with the justices and also communicate with the king when necessary, or his other offices of state. We do not have any named individuals of this type other than it is likely that Robert of Whitchester attended the Eyre as the clerk to William of York - see below for a brief résumé.

The Suffolk Eyre Roll JUST 1/818

Introduction - The Suffolk Eyre of 1240

Appendix Q(i) below indicates that the total named individuals in the roll, in which this thesis is interested, is 5,852, but some of these would not attend or even be able to attend[28]. If such are excluded it is estimated that that this is reduced to 5,364. The largest proportion of this number are the litigants or those vouching for them: 1,383 plaintiffs, 2,026 defendants and 918 voucher to warranty or sureties. However, it does not exclude those named persons bringing more than one plea or named as a defendant in more than one plea. If duplicated names are excluded I have calculated the total in attendance, and actively involved in the civil pleas only, at all three venues, as approximately 4,000[29]. It has been calculated that, excluding duplicates, there were 146 attorneys, 215 jurors named but not in a grand assize, and 180 administrative knights to act as jurors or selectors of a jury in a grand assize. Of these administrative knights 56 were asked to select a jury for a grand assize[30]. The remainder of the 4,000 is taken up principally with the plaintiffs, defendants and sureties[31].

It will not be possible to determine in this thesis the total attending as the crown pleas do not form part of this thesis, but it should be possible to determine a figure for those who are known to have attended. First, we can add the 450 jurors of presentment etc. from the hundreds and boroughs calculated above. This brings the total to approximately 4,450. On top of this would be the reeve and four men from each of the significant vills in the county - approx. 560 in Suffolk - so a further 2,240 men, approximately, would have attended as a norm at least in one of the three venues[32]. It is possible that this number could be reduced by the 450 jurors, bailiffs etc. as they could also represent their vill as well as acting on a jury, which still leaves a further 1,790 men as representatives of the vills[33]. This brings the total to approximately 6,240[34]. This still excludes those directly involved in the crown pleas, who include those accused of crimes in the crown pleas as well as their sureties and bailees, first finders of dead bodies, tithing heads whose members had committed crimes, those who had appeared at the county court to make or defend appeals, and their sureties, and also those who were held in gaol[35]. And, on top of these numbers would be the justices, clerks and the other officers of the court.

On the first day of the eyre at Ipswich the town's population must have almost doubled or even trebled, although not everybody indicated above would be there as some of the litigants would have been instructed to attend at Cattishall or at Dunwich.

The sheer numbers involved in movements around Suffolk are quite remarkable and indicate not only the level of sophistication of the judicial process in thirteenth century England, but also shows

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[28] For example, those named in the assizes of *mort d'ancestor* as having been seised of the land in question by the plaintiff would almost certainly be dead. Appendix Q(ii) is included to obtain the numbers of certain officers used in the calculations here and below

[29] I have calculated a figure of 3,936 named individual people attending the eyre and involved in the pleas.

[30] There was an overlap between these knights and the jury in that sometimes they were asked to select a jury and sometimes they served on a jury of the grand assize. Appendix Q (i) indicates that there were 104 named knights used to select a jury in the grand assize. After taking into account those named more than once as a selector of a jury the number is reduced to 56. The knightly jurors in the grand assize - 124 - are included in the figures given for jurors or recognitors in Appendix Q (i).

[31] This indicates that 33% of the people attending appear more than once in the pleas. Some appear considerably more of course, for example Hubert of Braiseworth appears 17 times in the rolls, 12 of which are as a juror.

[32] There is direct evidence in Meekings, *1249 Wiltshire Crown Pleas*, p. 225, in 383 where the tithings of 'Bechampton' and 'Monk's Wynterburn' did not attend and so were amerced for default.

[33] See Meekings, *1249 Wiltshire Crown Pleas*, p. 17

[34] As a comparison, Meekings in *1249 Wiltshire Crown Pleas*, p. 20 estimated the total attending the eyre for both civil and crown pleas etc. as between four and five thousand.

[35] When the Suffolk crown pleas are transcribed and translated for the Suffolk Records Society it will be possible to arrive at a more complete figure.

one of the reasons for its demise in the late thirteenth and fourteenth century given the numbers involved and the time taken to complete the business of the eyre.

The justices[36] and other officers

The justices mentioned above, who had taken the Norfolk Eyre, also opened the proceedings at Ipswich, the only exception being Jeremy Caxton who left after the Norfolk Eyre. The justices would have been commissioned to make the visitation to all the counties in the circuit, but occasionally changes were made to justices in the circuit or one or more may be detached from the circuit to hold eyres in other counties. For example, Henry of Bath was detached from York's circuit to take the eyre in Hampshire as the senior justice[37].

As the senior justice William of York would be responsible for the conduct of the eyre and also for reporting to the Exchequer, via the estreat roll the amount of money being raised[38]. He is also named on the Pipe Roll in the heading under which are listed the debts arising from the eyre. The heading is shown as *'De Amerciamentis per Willelmum de Eboracum et Socios Suos'*[39].

William's name, as senior justice, would normally be shown first on the heading of the plea rolls and on the Final Concords unless the eyre was headed by a person of a higher social status than the justices who do most of the work, for example a senior ecclesiastic[40]. In Suffolk, William of York was the senior justice and his name appears on the Pipe Roll as already mentioned above, but the name of the first justice on the Final Concords made in the place in which he was present, is shown as 'Ranulf the Abbot of Ramsey'. In fact, the abbot only sat at Ipswich as his name only appears on the Final Concords for those made at Ipswich, not those at Cattishall or Dunwich. The abbot was one of the clerics used as a royal judge to whom Robert Grosseteste objected strongly as he wanted to see ecclesiastics completely withdrawn from secular office. In fact he objected to Ranulf in particular, when he complained to the Archbishop of Canterbury in 1236 that the abbot be removed from the eyre when the abbot was appointed to be a secular judge[41]. However, it did not do any good as Ranulf continued occasionally to be a justice in eyre, as did other clerics. William of York is shown first on all the agreements made at Cattishall and Dunwich and is shown as the leading justice on the heading of the crown pleas[42].

William of York was probably the most senior justice in the king's employ at this time, with the possible exception of Robert de Lexington - his fellow senior justice in charge of a circuit - who

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[36] For a general outline of some of the justices' careers see Turner, *The English Judiciary in the Age of Glanvill and Bracton c. 1176-1239*, pp. 191-258. He has a reasonable amount of detail on William of York throughout the chapter, but only scattered references to the other judges shown here.
[37] See *Close Rolls, 1237- 1242*, p. 345.
[38] See *Close Rolls, 1237-1242*, p. 201 where William of York is urged to send his estreat to the Exchequer without delay. Perhaps another indication that Paris was correct on the money making aspect to the eyre system and also that this system was a well oiled machine.
[39] See Chapter 5 below on the Issues of the Eyre for more on this topic.
[40] See Crook, *Records of the General Eyre*, p. 16.
[41] See *Letters Grosseteste*, pp. 105-108, *epistola* xxvii.
[42] The abbot would not normally take part in the judgement given in a crown plea where the convicted was usually punished by the taking of blood. This was defined at the Lateran Council of 1215. However, many prelates took part in the judicial process up to the moment when judgement was given. The prelates would not take part in any execution either. Bishop Robert Grosseteste objected to the abbot of Crowland taking part in Robert de Lexington's circuit. So perhaps the clerks knew to ensure that the prelates' were not mentioned in the crown pleas.

had been a junior justice since 1221 and had served as such in 33 eyres as well as serving as senior justice in a further 31 eyres until his retirement in 1244. William had probably been a Chancery clerk from 1219 and also acted as a clerk in the first part of Martin Pattishall's circuit in 1226-1227. He also acted for the first time as a justice in the Cumberland Eyre of 1227[43]. He served as a junior justice in a further five eyres, but from 1234 to 1241 he served in a further 32 eyres as the senior justice in each of the counties allocated to his circuits[44]. Evidence of his value to the king was his appointment to head the court of *coram rege* in November 1241. He also played a leading part in assisting those appointed to be in charge of the *regnum* when the king was out of the country in France in 1242[45]. He was subsequently rewarded with the bishopric of Salisbury in 1246[46]. Even while bishop he continued to act occasionally as a justice[47]. Matthew Paris's view of William was not positive as on his death he indicated that William introduced the 'evil custom' of forcing every tenant to attend at the court of their overlord - 'to the great loss and damage of the subjects and little or no gain of the overlords'[48].

If we take the order of justices written on the Feet of Fines as the order of precedence then the next most important justice was Henry of Bath. At the time of the 1240 Eyre in Suffolk, Bath was only starting out on his career as a justice. As far as we know his appointment to York's circuit of 1239-41 was his first appointment as a junior itinerant justice. He obviously proceeded rapidly up the career ladder as he was a senior justice by the time of the Hampshire Eyre of 1241[49] and was the senior justice of the Bench by the Hilary Term of 1245[50]. He was apparently highly valued by the king as a sheriff as he was the sheriff of Yorkshire from 1242 to 1248, although he had deputies after his appointment to the Bench. He also held many lands in Yorkshire from appointments to ecclesiastical livings[51]. In addition, he was also senior justice of the court *coram rege* moving there from the bench before he suffered a short term disgrace in February 1251, when according to Matthew Paris he was removed from the court *coram rege* for corrupt practices[52]. He was fined a massive 2000 marks payable at 200 marks per year, and if he was to die before payment had been completed his executors were to continue to pay his debt[53]. However, according to Matthew Paris, his wife and his connection with Richard, Earl of Cornwall, managed to regain him favour with the king and he was re-appointed as senior justice *coram rege* in 1253 and remained so until his death in 1260.

Roger of Thirkelby was in a similar position to Henry of Bath in the 1239-1241 Eyre of William of York; that is a junior justice just starting out on his judicial career. He was in charge of his

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[43] See Meekings, 'Six letters concerning the Eyres of 1226-8', *EHR*, Vol. LXV, (1950), pp. 499-500. This article is reprinted in his *Studies in 13th Century Justice and Administration*.

[44] See Crook, *Records of the General Eyre*, p. 17 for a review of his career. He also appears in this roll in 525 as a lender of money. Presumably he had it recorded in the roll to indicate that the sheriff could distrain the debtors from their lands if they had not paid the debt by the day specified in the roll.

[45] In fact in the *Ann. Mon*, iii, p. 159, that is the *Annales de Dunstaplia*, William of York, Walter Gray, the archbishop of York, and William de Cantelupe are all entrusted with the custody of the realm. However, in other sources William of York is not mentioned as a 'regent', the only regents being the archbishop of York and William de Cantelupe. See *Close Rolls, 1242-1247*, p. 12.

[46] See *Flores Historiarum*, iii, p. 321 and *Cal. Pat. Rolls, 1232-1247*, p. 494 where the king assented to William's election as bishop.

[47] He took the pleas in 1251 of the City of London. See *Cal. Pat. Rolls, 1247-1258*, p. 110.

[48] See Matthew Paris, *Chronica Majora*, v, p. 545.

[49] See Crook, *Records of the General Eyre*, p. 102.

[50] See Meekings, 'Robert of Nottingham, Justice of the Bench, 1244-6', *Studies in 13th Century Justice and Administration*, p. 134.

[51] See Meekings, 'Alan de Wassand (†1257)', *Studies in 13th Century Justice and Administration*, p. 471.

[52] Matthew Paris, *Chronica Majora*, V, p. 213-214.

[53] See *Cal. Pat. Rolls 1247-1258*, p. 101.

own circuit by 1243-1244 and was the senior justice in 38 eyres until 1258. He died in 1260[54]. He also appears as a litigant in the roll as Roger had Norfolk interests through his wife Letice de Roscelin, who was the heiress of her father Peter de Edgefield. It is likely that he was defending his wife's interest for the advowson of the church at Walcott in Happing Hundred in Norfolk in the grand assize noted in 149 and subsequently adjourned to Chelmsford in 784 in this roll.

Finally, the last junior justice on our list - Gilbert of Preston - proved to be the busiest of these justices in the Eyre courts. He took part in over 55 eyres as a junior justice from 1239 to 1254 and there were a further 29 of which he was the chief justice of the eyre from 1254 to 1272. This circuit under William of York was his first eyre as a junior justice[55].

The justices brought with them a staff of clerks and other court officials who kept the records and acted as ushers in the court hearings. The clerks kept a record of the pleas on the plea rolls, a copy of which would be made for each justice, and also issued chirographs for those who came to an agreement in the eyre. They may have had access to copies of some of the plea rolls of the previous eyres for reference in case a litigant asked for the rolls to be examined to settle a dispute[56]. The clerks would also make a separate record of any money to be collected for the king on the estreat roll. This roll would be a copy of the amercement section at the end of this plea roll. The estreat roll would be sent to the Exchequer on completion of the eyre in the county.

Two of the clerks who may have attended at the eyre in Suffolk are known. One was Roger of Whitchester, who was at this time the clerk of William of York, the chief justice in this eyre. He had been William's clerk since around 1230 and he was to continue in this position until 1246 when he became the Keeper of the Writs and Rolls of the Bench[57]. He subsequently became a junior justice himself in 1251 in three assizes in Kent he went on an eyre circuit for the first time in 1254 in Essex under Gilbert of Preston. He was also busy as a justice in the Bench during the period from 1251 to his death in 1258[58].

The other clerk who may possibly have been present is Robert of Beverley, who is known to have been the clerk of Roger of Thirkelby in the early 1250s. It is possible that he was his clerk before 1250 but it is not known if he was his clerk as early as 1240. Robert was to continue in Roger's employ until 1259 when a new clerk - Robert Carpenter - took over the duties[59]. As can be seen by the careers of William of York and his clerk Roger of Whitchester, being a clerk to the eyre courts was considered a good grounding to becoming a justice of the king's courts.

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[54] See Crook, *Records of the General Eyre*, pp. 17-18 for a review of his career.
[55] See Crook, *Records of the General Eyre*, p. 19.
[56] See Crook, *Records of the General Eyre*, pp. 12-20 on the survivability of the rolls, and that copies of the rolls were probably originally kept by the justices for whom the copy was made. So, William of York may have had all his rolls available from his previous eyres. Also, see *Sel. Cases Proc. w/o Writ*, pp. clxxxi-clxxxiii where they indicate the difficulty of obtaining rolls for consultation, especially when the justice had died and passed on his rolls to another justice. See 493 below where the rolls of the previous eyre - probably the one made in 1235 - were asked to be examined to settle a point. If the roll required was from the 1235 Suffolk Eyre they must have obtained it from a justice not at this eyre as none of the justices at the previous eyre was a justice at this eyre. This may also be the reason for the obvious addition to the end of the plea indicating they had examined the rolls because they had to await the delivery of the roll, or the information from the justice whose roll it was, after he had examined it on their behalf.
[57] See *Cal. Pat. Rolls, 1232-1247*, p. 480.
[58] See Meekings, 'Roger of Whitchester (†1258)', *Archaeologia Aeliana*, (4th Series, XXXV, 1957), pp. 100-128 for a relatively detailed summary of the career of Roger of Whitchester.
[59] See Meekings, 'More about Robert Carpenter of Hareslade', *E.H.R.* LXXII, (1957), pp. 260-269 for the career of Robert Carpenter. This article is reprinted in his *Studies in 13th Century Justice and Administration*.

Introduction - The Suffolk Eyre of 1240

The sheriff of the county, in this case two counties, as the sheriff administered both Norfolk and Suffolk, would also appear with his staff. The holders of the sheriff's office since the last eyre were also required to attend to answer for certain 'articles of the Eyre' during their office. The sheriff at the time of this eyre was John de Ulecote and there would also have been three other ex sheriffs in attendance, as all were still living[60]. The previous sheriffs would, no doubt, have answered for their own obligations during their terms of office since the last Eyre and according to the articles of the Eyre. The current sheriff answered for his own financial obligations as well as taking part in the eyre itself to execute the orders of the court; for example to distrain litigants in default too many times to appear before the court. The current sheriff would also have given notice to all those who should attend the eyre and, through his team of summoners the sheriff would have sent personal summonses to those of higher rank. He was also responsible for summoning or securing those involved in the crown or common pleas which were to be brought before the justices. For crown pleas these included juries of presentment, those accused of crimes, their sureties and bailees, first finders of dead bodies and neighbours, tithing heads whose members had committed crimes, those who had already attended at a county court to make or defend appeals, and any who had committed serious crimes and were in the gaols located in the county. For common pleas the participants would probably have been summoned by the sheriff to appear at the 'first assize of our justices when they come to those parts' by an original writ obtained from the Chancery by the plaintiff, and which would have been served by the sheriff on those named in the writ. For those cases adjourned from a previous county or cases adjourned from one venue to another the sheriff would be responsible for ensuring that his fellow sheriffs knew the venues for the people concerned in their respective counties. It is interesting to note that cases are heard in the common pleas from as far away as Cornwall, Worcestershire and Wiltshire. The sheriff was also responsible for ensuring that the venue of the next eyre was publicised in the hundred courts and in other public places so that all interested parties had notice to attend. Finally, the sheriff was responsible for executing all the verdicts produced in the eyre.

The coroners of the county and the boroughs[61] would have with them their own clerks and their rolls, which were documents of record for the justices to see who had died in suspicious circumstances since the last eyre and what had been done to find the possible suspects. They were also responsible for ensuring that those who were sentenced to abjure the realm did so and to ensure that those who found the body attended the eyre by attachment. They would present what had happened since the last eyre from their rolls in the crown pleas.

The first day of the eyre at Ipswich must have generated a great buzz of excitement and it is known that the justices of an Eyre were feasted or offered gifts by some of the local magnates[62]. Not all the 6,000 plus participants would have been at Ipswich on the opening day as no doubt some of the litigants would be expected to appear at Ipswich on a specified day and others would be asked to appear at Cattishall or Dunwich, possibly depending upon where was nearest to their tenement. These

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[60] See Appendix D and E for the sheriffs and eyres in Suffolk respectively.
[61] Unfortunately none of them are known except for the coroners of Dunwich - see above. See Hunisett, *The Medieval Coroner*, for the role of the coroner and in particular see pp. 2-4 for the reason for establishing the role of coroner and how they would serve the eyre.

would include some from Norfolk and Essex who started their plea in Suffolk, possibly because the place was nearer to a Suffolk meeting place or because the sheriff, who was responsible for both Norfolk and Suffolk, considered them as an administrative whole and so in serving the litigants with the summonses to appear decided where they would appear[63]. Also, litigants from the hundreds controlled by the liberty of Bury St. Edmunds would normally be held at Cattishall, along with the appellors for the crown pleas for these hundreds, as that is the nearest place to Bury St. Edmunds.

It looks as though the first three weeks, after the preliminary proceedings and the swearing in of the jurors were given over to the common pleas, and then it is likely that the justices split; two or probably three justices to take the remainder of the civil pleas, and two to take the crown pleas[64]. The abbot of Ramsey no doubt tried to avoid taking the crown pleas to ensure that he was not responsible for the shedding of blood. At Cattishall and Dunwich they would have split two justices to each type of plea as the abbot had left the eyre after Ipswich. All of the Liberty of Bury St. Edmunds crown pleas were heard at Cattishall, but no dates for them to be heard are given in the roll. The ones for Dunwich were held at Dunwich in the one day - 11 June 1240 - given over to hearing both types of plea.

The contents and the analysis of the eyre roll do not indicate any crisis in the kingdom as a whole, or in Suffolk in particular. The routine of the eyre proceeded as normal, hundred by hundred by the juries of presentment appeared for the crown pleas. There is also nothing untoward in the common pleas to indicate that the king was having any real difficulty with his magnates, although it does show that they will involve themselves in litigation against the king as shown in the case of wreck in Wrentham, where the jury was asked if the right belonged to the king or to the lord of the manor of Wrentham[65]. In this case the judgement went against the king by the jury, but there is a marginal reference made to it possibly indicating that the case was to continue in the court *coram rege* at the end of the plea. The king was obviously not satisfied with this answer[66]! Litigants, both local and those adjourned from other counties, pursued their pleas in apparent calm. Their actions were focused on their local disputes and not on any wider political issues.

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[62] See Meekings, *1249 Wiltshire Crown Pleas*, p. 13 where he has indicated that one of our justices, Henry of Bath, was a recipient of the largesse of the Bishop of Winchester. He provides a list of some of the items of food and money spent on them from the Winchester manorial accounts of bishop Ralegh.

[63] See 641 where the plea started in Suffolk at Ipswich but it is almost certainly for a tenement in Essex, which happens to be nearer to Ipswich than Chelmsford.

[64] On Membrane 45, the start of the Crown Pleas, the heading indicates that they probably started on Monday 7 May 1240 and carried on until Saturday or Sunday 12 or 13 May 1240.

[65] See 265 below.

[66] The case did not actually proceed to the *coram rege* because it looks as though Simon de Pierpont died in 1241 as there is an order to the sheriff to take his lands into the king's hands in the *Calendar of Patent Rolls*, 1232-1247, p. 267. However, Coppinger in *The Manors of Suffolk*, ii, p. 211 indicates that the Pierpont family still held Wrentham with the right to wreck. The information he indicates comes from the Hundred Rolls of 1274-1275 and the Quo Warranto inquiries from 1278 onwards.

Chapter 3

THE DOCUMENTS OF THE SUFFOLK EYRE OF 1240

The principal documents produced by the eyre were the plea rolls compiled by the justices' clerks during its sessions. The plea roll edited in this thesis includes the following: civil pleas, including foreign civil pleas from counties other than Suffolk; essoins; the amercements and the final concord agreements made on a civil plea item in the roll. The civil pleas from Suffolk and the foreign civil pleas are not separated from each other in any way. This is unlike the surviving plea rolls from the visitations from 1246 onwards when the civil and foreign pleas were completely separate. The same applied to the attorneys. The crown pleas and the amercements of crown pleas, as has been explained, are not included in this thesis[1]. The civil and the crown pleas are in the same roll, but are in separate blocks and are differentiated from each other by separate headings, and the crown pleas start at the top of a new membrane. These rolls were compiled by the justices' clerks during the proceedings and one would have been prepared for each justice.

The clerks of the eyre courts had the task of writing up the plea rolls and therefore putting on record the names of the litigants, the type of action being taken, the essentials of the dispute, any jury verdict, and the details of the judgment. Court procedures such as the issue of judicial writs, may be noted on occasion as well, and also the imposition of amercements and the award of damages. The plea roll is therefore a record of the business of the court and can be used to analyse the types of actions, processes and decisions[2].

Later, on 8 December 1257, the treasurer and barons of the Exchequer were ordered to recover all plea rolls from the justices itinerant and also those from the court *coram rege* and bench for safekeeping at the Exchequer[3]. Many later plea rolls survive as a result of this edict, sometimes more than one for an Eyre[4]. This is the only surviving plea roll for the 1240 Suffolk Eyre and is almost certainly the roll of a junior justice on the circuit as the plea roll has not been marked up by deleting items of a financial nature in the marginalia and the amercement section of the roll is not marked up at all. There are no 'In Rotulo' entered in the margin of the amercement section to indicate that the clerk has entered the debt into the estreat roll, which is to be forwarded to the Exchequer, nor a 't' in the marginal to indicate that the sheriff had collected the debt. Also the amercements for the pleas are not in the same sequence as in the plea roll itself[5]. There is an argument that it is possible that this plea roll, JUST1/818, was for Roger of Thirkelby partly because he is involved in a plea in the roll and would have had a vested interest in

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[1] It is intended that the crown pleas will be published later by the Suffolk Record Society.
[2] See Table 5 in chapter 4 below for an analysis of the Suffolk Civil Pleas indicating the types of action encountered at this Eyre.
[3] See *Close Rolls 1256-1259*, p. 281.
[4] In the Suffolk Eyre of 1286-1287 there are four judges rolls surviving plus a 'Rex' roll; that is a roll that contains the word *'Rex'* instead of the justice for whom they were made. They are JUST1/826 & JUST1/827 for the 'Rex' roll, JUST1/828 & JUST1/829 are Richard Boyland's rolls, JUST1/830 & JUST1/831 are Walter Hopton's rolls, JUST1/832 & JUST1/833 are Solomon Rochester's rolls, JUST1/834 & JUST1/835A are Master Thomas Siddington's rolls.

keeping it[6], and partly because according to Crook it was fortuitous that Roger died while still a judge on the Bench at Westminster in 1260 so his plea rolls would have been easy to secure by the clerks[7]. Many of these rolls survived once they were in the safekeeping of the Exchequer. This plea roll is now kept safely in the National Archives at Kew and is number 818 in the class of *Eyre Rolls, Assize Rolls, Etc.* (JUST 1).

The 1240 Suffolk Eyre Roll - JUST1/818

The surviving roll has 62 membranes and an outer wrapper or cover - membrane 63 - which has been stitched into the roll after membrane 2 and all have been stitched together at the head. The wrapper must have come loose over the years and subsequently been stitched into this position to save it. It is now impossible to read any markings or the title of the roll on the cover, which can be done on other eyre rolls[8]. Its dimensions are typical of eyre rolls of the period (1240s). The membranes are of approximately uniform width (18.2 centimetres) but of varying length (averaging 58.3 centimetres), the longest being membranes 12 and 21 (69 and 68.7 centimetres respectively) and the shortest membranes 62 and 5 (35.5 and 44.6 centimetres respectively). The chart in Figure 1 below shows the moving averages of the lengths of the membranes (excluding the cover) and illustrates the variation in the size of the membranes more clearly.

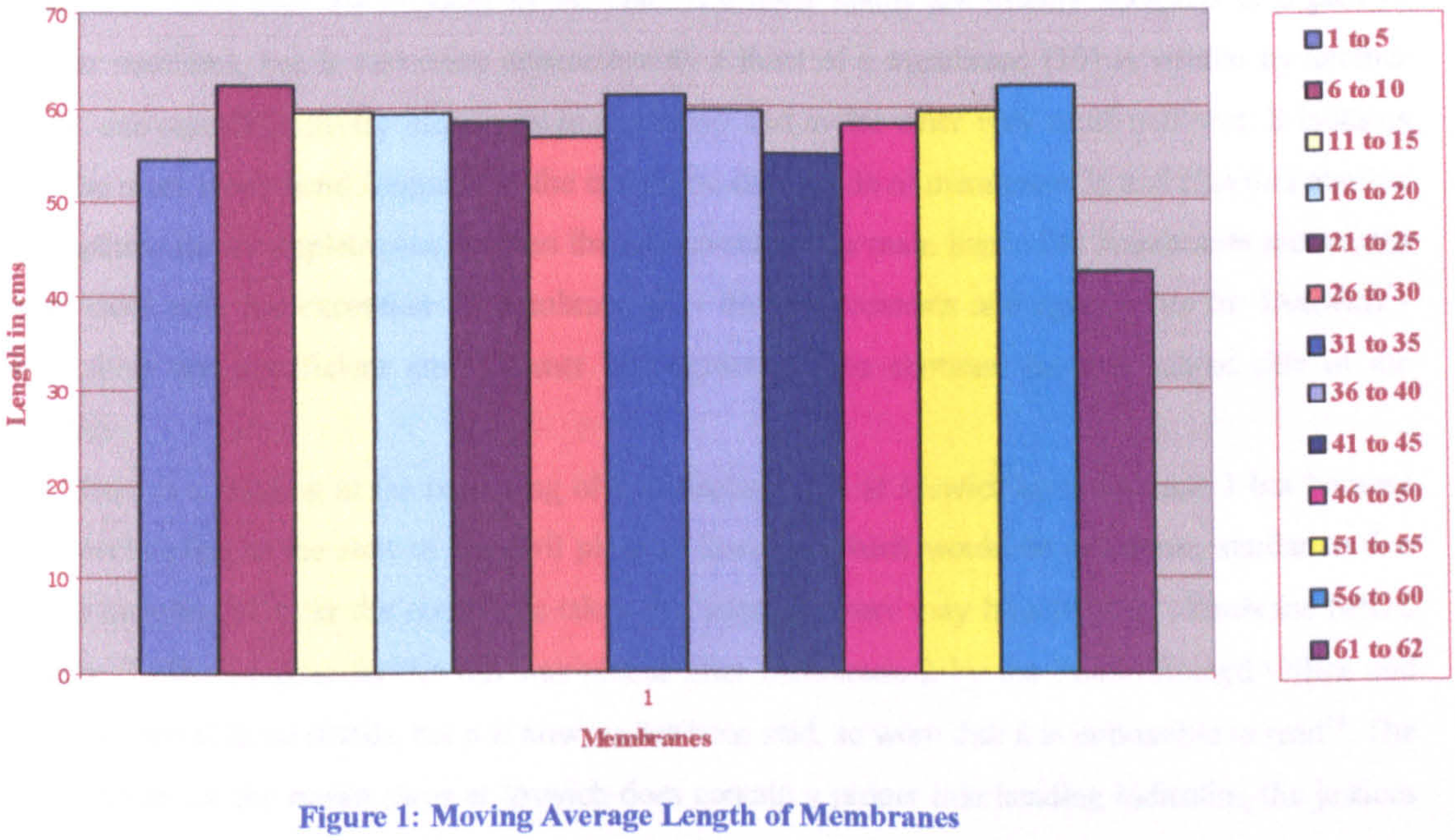

Figure 1: Moving Average Length of Membranes

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[5] See Meekings, *1249 Wiltshire Crown Pleas*, p. 23 for the marking up of the plea roll and pp. 109-112 and Meekings, 'The Pipe Roll Order of 12 February 1270' in *Studies Presented to Sir Hilary Jenkinson*, ed. J. Conway Davies (Oxford, 1957), pp. 229-231 on marking up the estreat roll and the sequence of the estreat sent to the Exchequer.

[6] See chapter 2, pp. 28-29 above.

[7] See Crook, *Records of the General Eyre*, pp. 17 and 100 where he discounts that the roll could be for William of York, because of the lack of process mark margination, indicative of a senior justice's roll and pp. 19-20 where he discounts the roll as being for Gilbert of Preston. Henry of Bath had no interest in the roll, whereas Roger did.

[8] See the wrapper for the Berkshire Eyre of 1248 in JUST1/38 in the National Archives.

One membrane has additional pieces of parchment attached at the foot by stitching; thus membrane 21 is 57.38 centimetres long with an additional piece of 11.32 centimetres attached. The membrane is a total of 68.7 centimetres long and it is this figure that is used in the above diagram[9].

As the wrapper is totally illegible it is impossible to determine beyond doubt if the roll was recorded in Agarde's Index, the collection of plea rolls and concords of the time of Henry III sorted and stored by Arthur Agarde, deputy chamberlain 1569-1615, in the chapter house of Westminster Abbey[10]. But, it is possible to tell that it almost certainly was from his general description of the roll. The membranes are numbered 1 to 62, and it appears that the roll has been numbered on three separate occasions. The first numbering of the membranes was probably done at the time of Agarde. The second may have been done when the roll was stamped *Public Record Office* with a 'Crown' inserted in the middle of the stamp[11]. Membranes 22 to 62, on the second renumbering, contains a mistake when the enumerator renumbered membrane 22 as membrane 23. All subsequent membranes contain a similar mistake. The third numbering was probably done around 1950 by Meekings[12], when he reverted to the original numbering at the time of Agarde and crossed out this mistaken numbering from membranes 22 to 62[13].

The condition of the roll is generally good and it is almost completely legible throughout except for a few damaged edges or rubbing at the extremities, particularly at the end of the membranes and on the dorsal side. It is written clearly, on the whole, and mostly by one hand, although there is evidence of up to eight other hands being involved. The essoins taken at Ipswich and Cattishall are certainly written by a different hand than the majority of the roll. The other hands are usually additions to a plea or interlinear additions, but in two cases approximately a third of a membrane (10) is written by another hand - in one case distinctively more cursive and loopy and in the other very small and neat. It looks as though the more loopy hand reappears at the end of the dorsal side of membrane 36 and also in a number of other places for a complete plea but then the roll reverts to the main hand. The membranes are written on both sides with the exception of membrane 62 - the amercements and agreements for Dunwich - because there are insufficient amercements and agreements to continue onto the dorse side of the membrane.

There is a heading at the beginning of the essoins taken at Ipswich on membrane 1 but because there is no heading at the start of the civil pleas at Ipswich, which would be the norm, similar to that shown in membrane 26 for the civil pleas taken at Cattishall, there may be a missing membrane before membrane 3. The wrapper for the roll was placed after membrane 2 by the Public Record Office and possibly contained these details, but it is now, as has been said, so worn that it is impossible to read[14]. The first membrane for the crown pleas at Ipswich does contain a proper title heading indicating the justices

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[9] See Appendix F (i) for the complete list of all membrane lengths and widths and Appendix F (ii) for a graph of the sorted moving average of the membranes.

[10] For recognisable Agarde indices see Meekings *1249 Wiltshire Crown Pleas*, p. 24, and of Susan Stewart, *1263 Surrey Eyre*, unpublished thesis, vol. 1, p. 37.

[11] This was probably in 1838 when the Eyre records were moved to a repository at Carlton Ride by Palgrave the deputy keeper shortly after the Public Record Office was set up.

[12] See Clanchy, *1248 Berkshire Eyre*, p. liii. There is a note on the front cover of the document which indicates that it was repaired on the 24 April 1950.

[13] Clanchy describes a similar situation in the 1248 Berkshire Eyre. See Clanchy, *1248 Berkshire Eyre*, p. lii.

[14] See *1248 Berkshire Eyre*, where the details of the wrapper have survived. However, its wrapper contains the information that it covers both Crown and Assize pleas. There appears to be no heading as such on membrane 1 of this eyre for the start of the civil pleas at Reading. In the *1256 Shropshire Eyre*, Harding has indicated that there is a heading for the civil pleas on membrane 1.

and the starting date of the crown pleas heard there. There is no equivalent heading for Cattishall except to indicate the start of the crown pleas for the hundreds of the Liberty of Bury St. Edmunds. The membrane for the civil pleas made at Dunwich (membrane 44-44d) does not have a proper heading - only the word 'Dunwich' and the whole membrane is in a different hand. The crown plea membrane for Dunwich is written in the same hand as the civil pleas.

I have found two instances where the clerk has used a process mark to indicate that the paragraph opposite the mark is the continuation of another plea later in the roll. Item **329** on m. 11d continues at the end of m. 11. There is at the end of m. 11d an indication that the rest of **329** is in effect over the page at the sign of the cross, but apart from the process mark - a cross - there is no other indication that this paragraph on m. 11 belongs to the same plea[15]. It is obvious that the clerk could not complete the text on the dorse side, but there was sufficient space on the front side of the membrane to complete the plea. In the other instance - see **450**, and **1096** below- the process mark is shown as a 'Q' with a very long straight tail and with two dots on either side of the tail. The process mark is shown in the margin at the end of **450** and is shown again in the margin at the beginning of **1096**. In this instance the pleas are on membranes 17 and 42 respectively.

The membranes have the usual marginalia, county if a foreign plea, hundred or liberty if a civil plea as well as notes of amercements and damages etc. Marginalia were also used for process marks, which were designed to provide a guide for the clerks of what had happened in the plea and whether further action was required. For example, the sign standing for *est* (÷) indicates where the court has taken some action. The amercements for the crown pleas are arranged by hundred or borough, and there is a separate sub-section for the civil plea amercements and for money to be raised from agreements at the end of the amercement section. The amercement section of the roll has survived relatively unmarked at the end of the roll. This is another indication that the roll was for a junior justice because a senior justice's roll should have been crossed out once the copy had been made on the actual estreat. The actual estreat, or the copy of these amercements and money to be raised from agreements sent to the Exchequer, is missing. The estreat would not, of course, survive with the roll unless put back with it by a modern editor.

There is no surviving jury kalendar for the hundreds and boroughs in the crown pleas, except for Dunwich, where oddly it forms part of the Civil Pleas. It may be that the same justice heard both civil and crown pleas at Dunwich and because there was not much business the clerk wrote down the jury at the start of the proceedings. The kalendar is laid out in two parts with the names of the bailiffs, and coroners at the top of each part followed by the electors and jurors respectively. The names of the jurors are also laid out in two parts, six in each part.

There does not appear to be a fixed layout that the clerks follow at every Eyre. For example, essoins, if they have survived, often appear in the roll, either prior to or after the civil pleas, for each place where the eyre is held within the county. It does appear that where both civil and crown pleas survive the civil pleas appear first, through all the locations where the court sat, followed by the crown pleas. This roll is no exception.

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[15] The scribe uses the words *'Verte rotulum et quere ad crucem in fine rotuli'* at this point at the very end of membrane 11d. So a clerk may be looking for a cross, but crosses are used by the clerks to signify other reasons than a continuation of a plea on the other side of the membrane - see Harding, *1256 Shropshire Eyre*, p. lix for another reason.

The plea roll is laid out through the membranes as follows[16]:

Membrane Number	*Contents*	*Dates Mentioned (if applicable)*
1-2d	Essoins taken at Ipswich.	1. Sun 29 April 1240 2. Wed 2 May 1240 3. Sun 6 May 1240 4. Tues15 May 1240 5. Thurs 17 May 1240 6. Sun 20 May 1240
3-25	Suffolk Civil and Foreign Civil Pleas taken at Ipswich.[17]	None
25-25d	Essoins taken at Cattishall.	1. Sun 20 May 1240
26-43d	Suffolk Civil and Foreign Civil Pleas taken at Cattishall.	From Mon 21 May 1240
44-44d	Suffolk Civil Pleas taken at Dunwich[18] - including a kalendar of jurors and officers for the Crown Pleas.	None
45-52d	Crown Pleas begun at Ipswich.	1. Mon 7 May 1240
53-55	Crown Pleas for the Liberty of Bury St Edmunds taken at Cattishall[19].	None
55d	Crown Pleas for Dunwich.	None
56-58d	Amercements from the Crown Pleas.	
59-60d	Amercements from the Civil Pleas.	
61-61d	Money raised from Agreements - including some Amercements from Civil Pleas interspersed.	
62	Amercements from Crown and Civil Pleas from Dunwich plus an Agreement.	
63	Cover - actually stitched into roll after membrane 2.	

Table 2 - Membranes Analysis

The Crown Pleas are split into the county Hundreds, Liberties and Villata (or towns). They appear on the following membranes:-

Membrane Number Range	*Item Numbers Range*		*(H)undred, (L)iberty and (V)illata*	*Name (Modern followed by name in Plea Roll)*
45-45d	1161	1185	H	Bosmere [Bosemere]
45d-45d	1186	1188	V	Eye
46-46d	1189	1217	H	Hartismere [Hertesmere]
46d-46d	1218	1223	V	Beccles [Becles]
47-47	1224	1241	H	Stow [Stowe]
47-47	1242	1245	H	Mutford [Mutford]
47d-47d	1246	1252	V	Bungay [Bungeya]

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[16] See Crook, *Records of the General Eyre*, p. 101 for the general layout of the Suffolk Eyre Roll of 1240.
[17] Foreign Pleas are included in the Civil Pleas at Ipswich, Cattishall and Dunwich and are scattered throughout the pleas. They are not, as mentioned, separated out into a discrete section.
[18] There are no foreign civil pleas at Dunwich. The marginalia does differentiate between the pleas that relate to Dunwich and those that relate to other hundreds in Suffolk.
[19] There are other Hundreds and Vills shown in membranes 53-55 but they are all part of the Liberty - see below.

Membrane Number Range	*Item Numbers Range*		*(H)undred, (L)iberty and (V)illata*	*Name (Modern followed by name in Plea Roll)*
47d-47d	1253	1263	H	Claydon [Cleydone]
48-48	1264	1270	H	Thredling [Thredling]
48-48	1271	1284	H	Plomesgate [Plummesgate]
48d-48d	1285	1295	H	Carlford [Karleford]
48d-48d	1296	1308	H	Wilford [Wyleford]
49-49	1309	1316	H	Colneis [Colneyse]
49-49	1317	1320	V	Orford [Oreford in Plomesgate]
49-49d	1321	1341	H	Loes [Lose]
49d-49d	1342	1346	V	Elmham [Elmham]
49d-50	1347	1358	H	Wangford [Wayneford]
50-50	1359	1374	H	Hoxne [Hoxne]
50d-51	1375	1404	H	Samford [Sampford]
51-51	1405	1412	V	Ipswich [Gypewico]
51-51d	1413	1429	H	Lothingland [Ludinglond]
51d-52d	1430	1458	H	Blything [Blithinghe]
52d-52d	1459	1463	H	Exning [Ixninghe][20]
53-55	1464	1597	L	**Bury St Edmunds [Sancte Edmundi] - see below for breakdown into hundreds etc.**
53-53d	1464	1492	H	Babergh [Babberghe]
53d-53d	1493	1506	H	Risbridge [Risebrigge]
53d-53d	1507	1510	V	Clare [Clare]
53d-53d	1511	1512	V	Sudbury [Suby']
53d-54	1513	1519	H	Thingoe [Thyngho]
54-54	1520	1525	H	Cosford [Corsford]
54-54d	1526	1563	H	Blackbourne [Blacbrunne]
55-55	1564	1577	H	Thedwestry [Thedwardestre]
55-55	1578	1588	H	Lackford [Lacford]
55d-55d	1589	1600	V	Dunwich[21] [Dunewico]

Table 3 - Crown Pleas Breakdown by Hundred

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[20] This is now part of Cambridgeshire.
[21] Dunwich is not part of the Liberty of St. Edmunds.

The total number of separate items that can be transcribed and translated is 1665. This is made up as follows:

Plea Type	*Number of items*
Essoins	105
Suffolk Civil Pleas, Foreign Civil Pleas and Attorneys	1055[22]
Crown Pleas	440[23]
Amercements from Crown Pleas[24]	41[25]
Amercements from Civil Pleas	19[26]
Agreements	5[27]
Total	**1665**[28]

Table 4 - Number of Separate Items to be Transcribed in the Roll

In the text I have given each item separately distinguished in the text a number, as shown in 'Note on the text and translation' at the start of Volume Two of this thesis. In the roll these items, are distinguished by the scribe with a marginal symbol '¶'. A gap is also left between each item.

The financial documents and fiscal reckoning

Towards the end of the civil and crown pleas two or more of the justices, some of the clerks and the sheriff and his officers held a session to deal with fixing the money to be raised from the amercements and agreements generated by the eyre during its sessions. The procedure at the end of the eyre is hinted at in the Eyre in Rutland in 1253 where the two colleagues who took the civil pleas were 'in a certain chamber where they were amercing the county'[29]. A more detailed account of the procedure, but produced considerably later (1290s), is to be found in *Fleta*. It states that the amercements are determined according to the litigants ability to pay by way of assessments 'by the oaths of knights and other reputable men of the same county'. It is also interesting that each amercement is, according to *Fleta*, determined by the relevant peer group; that is earls and barons amercements by other earls and barons, and 'serjeants, as serjeants, by serjeants' etc[30]. Meekings indicates that for the barons it was likely that the Barons of the Exchequer were held to be equivalents who could assess them for an amercement[31]. It is likely, therefore, that the level of the amercement for the earls and barons were dealt with at the Exchequer. It is also possible that many of

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[22] There are 97 Attorney items which are scattered throughout the Civil Pleas. The 137 foreign pleas are also scattered throughout this section.

[23] These cover the item numbers shown above from **1161** to **1600**.

[24] For convenience of indexing the amercements and agreements have been divided in groups of 20 items, where there are no smaller natural groups. Occasionally I have extended the number beyond 20 items if the end of the section or a side of a membrane is within a small number of items.

[25] These cover the item numbers **1601** to **1640** and **1664** for the crown plea amercements for Dunwich.

[26] These cover the item numbers **1641** to **1658**, and **1665**, which is for the amercements and agreements for Dunwich.

[27] These cover item numbers **1659** to **1663**.

[28] There is no Kalendar of Juries of Presentment for the crown pleas unlike in the Eyre Rolls for Berkshire (1248) and Shropshire (1256) - see M.T. Clanchy , *1248 Berkshire Eyre*, pp. 291-297 and A. Harding, *1256 Shropshire Eyre*, pp. 301-306 for examples of these.

[29] See Meekings, 'The Rutland Eyre of 1253 - a correction', *EHR, lxxi* (1956) p. 617 for the detail on this process. This article is also reprinted in his *Studies in 13th Century Justice and Administration*. There are specific references to the issues of the eyre in chapter 5 below.

[30] See *Fleta*, ii, Book I, c. 46 pp. 103-104.

[31] Meekings, *1249 Wiltshire Crown Pleas*, p. 109.

the amercement amounts are determined by custom, as many in cases of a similar nature are of the same value. The same applies for the amount charged to have a chirograph of an agreement[32].

Amercements might be pardoned by the justices at this session, such pardons being formally noted in the plea roll. A total of 11 plaintiffs and 3 defendants were pardoned directly for poverty and the result noted in the plea roll. In a further 26 cases poverty was merely noted in the plea but apparently all were subsequently pardoned an amercement as there names do not appear in the amercement section[33].

The Amercement and Agreement sections and the estreat

The plea roll JUST1/818 contains an amercement and agreement section for both the crown and civil pleas[34]. It may or may not be complete as the roll is only for a junior justice[35]. The amercement and agreement section would be completed by the clerks at the fiscal session[36] and consists of all the issues owing from the eyre for this county. As each of the amercements and amounts for the final concords were settled a copy would be entered on the amercement and agreement membranes. The individuals named as being amerced were obtained from the plea roll where an indication in the margin of the plea roll indicates if an amercement was due to be collected or an amount of money was due for an agreement[37]. Sometimes the amercements amounts are also mentioned in the margin of the plea roll[38]. The amercement section that has survived displays the crown and civil pleas amercements separately and in different formats; the crown pleas by hundred or *villata*, whereas the civil pleas in this roll are listed in no particular order. One can see a general pattern of listing the amercements for the lowest numbered plea items transcribed moving through to the higher numbered pleas, but this is not consistent. Once the amercement section is completed for the senior justice's roll a copy of this would then be made and sent to the Exchequer. This is the estreat roll[39]. The estreat roll for the Suffolk Eyre has not survived[40].

At the time of this eyre the senior justice in each eyre would have had his estreat rolls collected at the Exchequer. It was probably the estreat roll that was amongst those asked to be sent 'without delay to the Exchequer' in a letter to William of York on the 1st July 1240[41]. This estreat roll would not only be for the purpose of collection of the money owed to the Exchequer by the sheriff, but probably also to monitor the sheriff of the county when he made his returns at the Exchequer. Once the estreat roll is in the Exchequer a copy of this estreat roll would then be made at the Exchequer and sent to the sheriff to

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[32] It would appear that for certain types of minor offence the court ordered the same amercement. For example see items 839 and 843 for amercements of half a mark for non prosecution of the plea, and also items 468 and 472 for the same amounts for a licence to agree, and this appears to be the customary rate for the amercement of this type of 'offence' or for a final concord. There are a number of examples where these values differ - see item 215 for an example of a non prosecution where the amercement is one mark.

[33] 198, an assize of *novel disseisin* is a good example of the plaintiff being pardoned for poverty. 813 is a good example of the defendant this time being pardoned for poverty in another assize of *novel disseisin*. Of the 26 cases where poverty is merely noted, the first example in the text is 324 where Richard of Hopton, his wife and her sister did not prosecute and the poverty was noted as they had no sureties, except their faith, because they could not afford sureties. There names do not appear in the amercement section.

[34] The Civil Pleas amercements from this plea roll are transcribed at the end of the Civil Pleas text. See below from membranes 59 to 62.

[35] See above in this chapter for the argument.

[36] See above.

[37] '*misericordia*' or '*misericordie*' if plural amercements.

[38] See 160 below where the plea indicates the size of the amercement on a collective and on a separate basis. The separate items are shown in the amercement section but not the size of the collective amercement.

[39] At least this is what modern historians call it.

[40] Crook in his *Records of the General Eyre*, p. 44 indicates that only three estreat rolls survive, and two of them are fragmentary. None of them relate to Suffolk.

[41] See *Close Rolls 1237-1242*, (HMSO, 1911) p. 201.

inform him of the money he needed to collect. The sheriff used this copy of the estreat to collect the money shown from the people named in the estreat and subsequently sent the money to the Exchequer. Occasionally, if the king had an urgent financial need, the estreat could go direct to the sheriff who would then bring it to the Exchequer when he made his twice yearly report. The sheriff will then account for the money raised at the annual audit during the Michaelmas term[42]. The amounts collected would be entered on the Pipe Roll, which should also show how much the sheriff has failed to collect. The first Pipe Roll after the Suffolk Eyre was that for 24 Henry III recording the audit began at Michaelmas 1240 and is shown under the classification at the National Archives as 'E372/84[43]. The section of the Pipe Roll relating to this Suffolk Eyre is on rotulo 8d, but it is almost impossible to determine the amount collected because the sheriff accounted for both Norfolk and Suffolk and neither the clerks of the sheriff nor the Exchequer differentiated between the two counties[44].

Feet of Fines

Many of the pleas in the text below have been cross referenced in this thesis to their appropriate Feet of Fines. The plea roll and the feets of fines are preserved in the National Archives and were organised in their current form in about 1880-94[45]. Unfortunately they were rearranged by county rather than by the eyre or the bench or assize where they were originally produced. It is therefore occasionally a problem to locate all the feets of fines which relate to a particular eyre because some of the final concords made at this Eyre related to a different county as a result of a foreign plea[46]. In total I have located one hundred and twenty-seven chirographs which relate to agreements made during the Suffolk Eyre of 1240, of which fifty-five were made at Ipswich, sixty-nine at Cattishall and three at Dunwich[47].

As many of the feet of fines have survived they are often used by modern historians to determine the dates of an eyre where no dates are shown on the plea roll. The feet of fines found in the National Archives are mostly the third section of a chirograph on which the agreement was written three times, one copy for each litigating party and one for the Exchequer[48].

Of these chirographs, twenty-seven relate to foreign pleas, one of which relates to lands in Suffolk, Essex, Kent, Surrey and Sussex[49], two for Wiltshire[50] and twenty-four for Norfolk[51]. Norfolk is

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[42] The sheriff accounts for the money whenever the Exchequer gives him a date to appear during the half year following Michaelmas. The sheriffs from all the counties would probably not account at the same time after Michaelmas to complete their account for the year. Their date of attendance would be determined by the Exchequer, but their account would be either for the half year to Easter when a proffer would be made, or for the complete year to Michaelmas to close that year's account. See Stacey, *Politics, Policy and Finance under Henry III, 1216-1245*, pp. 204 -205 for his ideas on the workings of the Exchequer throughout the year.

[43] The actual date of the Suffolk account as it is shown in the Memoranda Rolls is for the 24th Year of Henry III in the feast of St. Edmund in year 25; that is Tuesday 20 November 1240.

[44] For the issues of the eyre and for a discussion on the problems in determining an amount collected - see chapter 5 below.

[45] See the Guide to Contents of the Public Record Office (HMSO, 1963), i, pp. 123-6.

[46] I located a number of mistakes made by the compilers in the nineteenth century, of which one involved the Feet of Fines for Suffolk in CP 25(1) 213/16 where there is no chirograph number 75. This also means that there are two chirographs for Suffolk that are numbered '81', one in this book of chirographs and one in CP 25(1) 213/17.

[47] See Appendix G below for a breakdown of these agreements and when they were made.

[48] See 1100 below where all three sides of the chirograph have survived - CP 25(1) 213/15/9, CP 25(1) 213/15/14 and CP 25(1) 213/17/102.

[49] See CP 25(1) 283/11/156. Also, see 754 for the agreement made in the roll. This feet of fines indicates that John de Say had lands in Suffolk, Essex, Surrey, Sussex and Kent, namely: Brandeston in Suffolk, Gosfield in Essex, Hatcham in Surrey, Cocking in Sussex and Shipbourne in Kent. They are in fact held by Sarah the wife of Roger de Bavent - and John de Say gets to keep Shipbourne in Kent for a rent of 60 shillings per year payable at three terms. But if he defaults she can distrain him by his chattels etc held in his tenement in Shipbourne.

not considered as one administrative unit with Suffolk when it comes to Eyres, as they are when the sheriff of Norfolk and Suffolk accounts for the money raised by the Eyre in both counties. I have also located a further sixteen chirographs made later, but relating to pleas adjourned from this eyre, of which ten were made at Chelmsford, four at Canterbury, and one each at Hertford and Westminster[52].

The fines were dated by a return day, that is the periods of business within which the fines were made[53], which helps us to mark the progress of actions made before the justices of the common pleas, and also provides a check for the dates and duration of the eyre[54]. The permission to make a final concord appears to vary in cost. It is clear from the amercement and agreement part of the plea roll that almost half were priced at half a mark (6s. 8d.) with the next most frequent price being one mark (13s. 4d.) - 22 percent. The average cost price is calculated from the licence to concord figure in Appendix J - Summary of Fines and Amercements - and is fourteen shillings and six pence. This is because there are a number of agreements which are considerably above the norm[55]. The heaviest cost for the parties is shown as one hundred shillings, or five pounds, in 264 below, but this may be because the defendants, Robert de Grimilies, Richard Cook and Nigel, his groom, had illegally entered the warren of William the Breton and beaten up his serjeant. Robert also owed to William twenty marks (£13 6s. 8d.). Perhaps the justices and juries decided that Robert and his chums needed to pay a considerable sum because of their violent behaviour.

The number of concords made at an eyre varied from eyre to eyre; the eyre of 1228 in Suffolk produced 152 fines, of which 148 related to Suffolk, whereas the eyre of 1234-5 in Suffolk produced a similar number to this eyre - 125. The reason for this may be that there was a longer interval between the Eyres. There was over nine years from the Eyre held in 1219 and that in 1228, whereas there was only six years between the Eyres of 1228 and 1234-5 and just over five years between the 1234-5 and 1240 eyres.

All chirograph references are given adjacent to the case to which they apply in the text below.

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[50] See CP 25(1) 250/11/14 and CP 25(1) 282/6/78 which relate to the same Wiltshire plea and are in effect the left and right hand chirographs of the same final concord.
[51] They are all in the final concord series for Norfolk CP 25(1) 156/61, nos. 694-5, 697; 156/66, nos. 803-4, 806-10, 812-13, 816-17, 820-4; and 156/67, nos. 833-6, 840.
[52] The Eyre visitation of William of York moved to Chelmsford after Suffolk from 17 June 1240 to 10 July 1240, then to Hertford for 15-26 July. Kent was only visited from 2-25 June 1241. The chirograph made at Westminster was on the octave of St Martin, or probably on Monday 19 November 1240 - see 731 below.
[53] This was roughly seven days, but it is not fixed.
[54] See Appendix G below for the return days shown on the Feet of Fines.
[55] The cost of six shilling and eight pence for a licence to concord is also the norm in the Derbyshire Eyre of 1281 with an average of 8 shillings and 6 pence - see Hopkinson's *1281 Derbyshire Eyre*, pp. 221-228 with the average being calculated from the information on p. 249. This contradicts the statement made in Susan Stewart's unpublished thesis where she states that the cost was a mark (13s. 4d.). See Susan Stewart, *1263 Surrey Eyre*, unpublished thesis, vol. 1, p. 40.

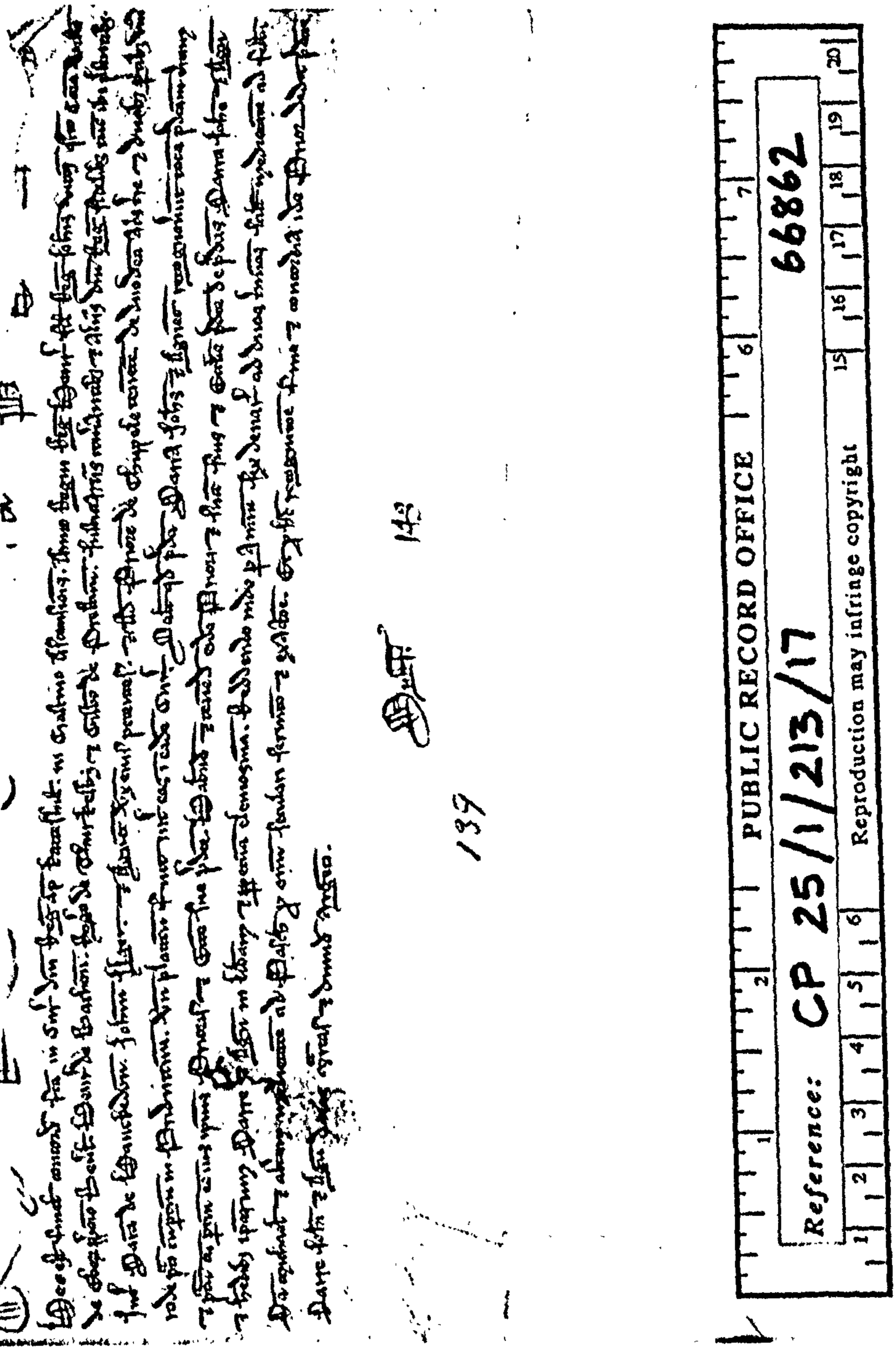

Illustration: 4 - CP 25(1) 213/17/108

The foot of the chirograph made between the Prior of Chipley and Sarah of Hawkedon and others named in the chirograph, but not in the plea, made at Cattishall on Friday 25 May 1240, and relating to 950; **CP 25(1) 213/17/108.**

Other relevant documents

The Writ File, which has survived from a small number of Eyres, has not survived from this Eyre. According to Clanchy these documents were of two types, writs and jury panels. The writs are also divided into two types, original writs and judicial writs. The original writs were those that 'originate litigation in royal or other courts or evoke it to royal courts or other courts'[56]. Judicial writs were those 'issued by a judge in the course of litigation begun by an original writ as defined above'[57]. The jury panels, as is implied by the name, are lists of jurors empanelled to judge the plea in the original writ. These were usually written on separate pieces of parchment[58]. According to Crook only four Eyre writ files survive from the reign of Henry III. These are from the Berkshire Eyre of 1248[59]; the Lincolnshire Eyre writ file of 1256-1257[60], the Kent Eyre of 1262-1263[61] and the Cambridgeshire Eyre of 1272[62]. It is certain that a file would have been available to the sheriff and justices for this eyre as the writs indicated the recognitors who should be present at the assize. The sheriff would use the writ to try to summon the litigants, or at least the person who was complained against, and to form the jury. They could also have been used as a reference document by the justices during the eyre as to what the case was about. Why so few have survived can only be guessed at, but it is probably because the writ was but a transient document that could be discarded once it had served its purpose.

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[56] See *Early Registers of Writs*, p. lxiv.
[57] See *Early Registers of Writs*, p. lxvi.
[58] For a good description of these writs and the Writ file see Clanchy, *1248 Berkshire Eyre*, pp. lx-lxiii. The surviving writ file for this eyre is transcribed, with occasional translations, on pp. 401-499 in the above volume by Clanchy.
[59] See Crook, *Records of the General Eyre*, pp. 37-39. The writ file for the Berkshire Eyre is JUST4/1/1.
[60] See JUST4/1/3.
[61] See JUST4/1/5, part 1.
[62] See JUST4/1/6.

Chapter 4

CIVIL PLEAS IN THE SUFFOLK EYRE OF 1240

Henry II introduced his legal reforms in the civil area of the law for a variety of reasons, but one of the main purposes was to provide a quick remedy for freeholders who had been wrongly disseised of their properties and been denied succession to their inheritance without judgement[1]. The remedies Henry introduced, notably those of the assizes of *novel disseisin* and *mort d'ancestor*, occupy the major part of the pleas contained within the plea rolls, and this Suffolk Eyre Plea Roll of 1240 is no exception. A total of 44% of the civil cases brought by Suffolk plaintiffs in front of the justices at Ipswich, Cattishall and Dunwich in 1240 were of these two types of assizes. *Novel disseisin* pleas were normally begun and completed within the visitation and the complete record is contained in the plea roll. The Suffolk Eyre is no exception to this. For the *mort d'ancestor* pleas and the other actions, delaying tactics were often used by the litigants but only that part of the process which took place in Suffolk is available in this roll. You can get a flavour of the delaying tactics from the foreign pleas from other counties and the fact that 62% of these pleas are delayed to the next county, Essex, or to other counties in the Eyre, or to the court at Westminster. See the table below in the section in this chapter on adjournments for a full analysis of adjournments and foreign pleas[2]. The only way to follow the pleas that are adjourned to another county is to follow them from adjournment to adjournment and from plea roll to plea roll, or possibly to the Bench rolls until the case is resolved in one way or another.

This chapter tries to follow the experience of the plaintiff or defendant in an action at the eyre. A detailed analysis of the types of action and the business recorded in the roll follows. There follow examples of some of the Suffolk actions which were begun and determined in the course of the visitation. At least 12% of Suffolk pleas and 43% of the foreign pleas managed only a stage in the process at this eyre and were then adjourned elsewhere. Other pleas were not prosecuted or were withdrawn at the Eyre, and others reached agreements (22% of Suffolk and 31% of foreign pleas), often with only the barest outline of the case being presented. I have estimated, taking account of all these items, approximately 62% of all pleas are concluded by these processes. Where possible the litigants progress is illustrated by following a few cases from the beginning, before they arrived in Suffolk, to a conclusion.

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[1] See Hudson, *The Formation of the English Common Law*, pp. 131-132 for the introduction of the assizes of *novel disseisin* and *mort d'ancestor* and for a general discussion of these procedures together with the writ of right and the grand assize, see pp. 192-204. There is also a good analysis of the development of the assizes during the reign of Henry II in Joseph Biancalana's article 'For want of Justice: Legal Reforms of Henry II', *Columbia Law Review* (April 1988), pp. 431-536.
[2] See page 63 below.

The opening of the plea by the plaintiff

The litigant initiating an action had to go to the Chancery and pay an amount of money for the writ, which was an order to the sheriff of the county to perform the action indicated in the writ. Writs of this 1240 Suffolk Eyre have not survived, but one can see how the system operated from the surviving writ file from the Berkshire Eyre of 1248[3]. A considerable proportion of the litigants would probably have obtained their writs within five weeks of the beginning of the eyre, so they probably knew when the eyre was going to appear in their locality and obtained writs accordingly. This could possibly indicate that the knowledge of the eyre circuits and its timetable had been effectively communicated throughout the country.

Writs, therefore, determined the form of the action, outlined its scope and determined its limitations. A case could be brought by a freeholder, who had been disseised of his or her possession, unjustly and without judgement, by a writ of *novel disseisin*[4]. These writs, as all returnable writs, were to be taken 'before our justices at the first assize when they will have come to those parts'. The litigant could also obtain a writ by paying an extra charge to have a specified judge who would have received a special commission to hear assizes on his journey through the counties[5]. Hence in 802, a Norfolk foreign plea, indicates that the sheriff is to have a voucher to warranty 'at the arrival of the justices at the first assize when they come to those districts', that is when they next come to Norfolk, not to this Suffolk Eyre. This special assize would have been after the circuit had been completed. Many of the commissions to assize judges for these cases can be seen on the dorse of the Patent Rolls[6].

The eyre court either enabled litigants to gain satisfaction (or otherwise) at the Eyre or it was merely a stage in the process through which they could do so. A freeholder, claiming his or her right in the land, could start the process of litigation in his or her lord's court. Such a case is that between Hubert of Braiseworth against Hugh of Cotton, who started the process in the court of the Liberty of Bury St. Edmunds for 21 acres of land. William of Cotton was asked at the court of Bury St. Edmunds to vouch for Hugh of Cotton, but for some inexplicable reason he decided to do it at the eyre. The sheriff is ordered by the eyre court to distrain William so that he has to go back to the court at Bury St. Edmunds and warrant Hugh there[7]. It is unfortunate that the plea and the result of the case at the court of Bury St. Edmunds are not extant. A similar case to that above is 997, which had also started in the court of Bury St. Edmunds, where Benedict de *Twamill* had been sued by a Thurston the son of Reynold. It appears that Benedict must have produced a charter by Roger de *Twamill* at the court of Bury St. Edmunds and called a William the son of Simon de *Twamill*, the grandson of Roger de *Twamill* and his heir, to warrant the charter. However, William turns out to be under age so the Seneschal of Bury St. Edmunds is ordered not to proceed in the case, presumably at the court of Bury St. Edmunds, until William was of full age.

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[3] See Clanchy, *Berkshire Eyre*, pp. lx-lxxx and pp. 401-499, which transcribes and in certain cases translates the writs. Also see chapter 3, p. 43 above.
[4] See *Bracton*, iii, pp. 18ff.
[5] See Susan Stewart, *1263 Surrey Eyre*, unpublished thesis, vol. 1, pp. 44-45 for an example and for the typical extra charges - 6s. 8d. or 13s. 4d.
[6] See above in chapter 1 in footnote 36 where there are a number of commissions identified in the Patent Rolls for Suffolk, but there are also many for Norfolk as well.
[7] See item 938 below.

Essoins

When the eyre was proclaimed the litigants in the county would have hastened to obtain their writs from the Chancery, and the sheriff and his officials would have to process a large number of these writs in a short time. Some litigants arrived at the eyre ready to settle out of court - often by not prosecuting -or to withdraw from the prosecution of their plea, or to reach an agreement for which they would pay a fine. These fines, or agreements can often be seen either recorded in the plea roll or on a document produced by the clerks – a chirograph. Other litigants may have defaulted from a plea; that is not turned up without giving a reason, and this may not have been their first default. The missing litigant may also have failed to appoint another person to stand in their place, for example an attorney.

However, others may not be able to arrive at the eyre locations for a variety of valid reasons and they send essoiners to make their excuses and hopefully to receive a new date for the postponed case. This can also be seen as a delaying tactic, particularly by the defendant if he has a weak case. However, the material contained in this eyre roll illustrates the operation of the rules on essoins as outlined in *Bracton*[8]. For example, there are no essoins allowed for assizes of *novel disseisin* and only limited essoins are allowed in the assize of *mort d'ancestor*[9]. The roll also indicates the careful regulation of essoins by the court in accordance with the rules.

There are a total of 105 essoins in the roll with 83 essoins taken at Ipswich, and the remaining 22 essoins being taken at Cattishall. Of the 83 essoins taken at Ipswich, 23 relate to foreign pleas, and some of these state that the litigants could not travel from their home, possibly from the county to which the plea relates. Similarly, there are 5 essoins related to foreign pleas at Cattishall. The county of origin of the plea is shown in the margin of the roll. Most of the foreign pleas which were delayed by an essoin came from Norfolk - 15, or 54 per cent - but, there were also litigants, potentially coming from as far afield as Wiltshire and Gloucestershire, who also essoined.

Most essoins are of the type *de malo veniendi*; which means that the litigant, who is usually the defendant, could not appear because of sickness, or had had an accident on their way to the court. In the roll, the first sixty-nine essoins[10] cannot be exactly determined as to what type of essoin they are because there is no heading on the first membrane to tell us the type. The remaining essoins are grouped under a heading indicative of their type and the date that the essoiner was to make an appearance. It is probably safe to assume that the 69 essoins are of the type *de malo veniendi* because the other headings of essoins of this type are shown in the roll in the latest date the essoiner is to appear sequence, and the sixty-nine essoins have the earliest possible date in the eyre[11]. The clerks may have assumed that the judges and other readers of the roll would understand what was in this first section. The other type met in this roll is *de malo lecti*, they are always identified separately with their own headings and are also in a date

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[8] Essoins and the reasons allowed for them are covered in detail in *Bracton*, iv, pp. 71-146. Also see *Glanvill*, pp.169-170 for the rule that no essoin is allowed in an assize of *novel disseisin*. This is in accordance with its aim of giving swift justice.
[9] See *Bracton*, iii, pp. 208, & 252-253 for the limits on the assize of *mort d'ancestor*.
[10] These are numbered 1-69 in the roll below.
[11] That is fifteen days after Easter, or 29 April 1240, the start date of the Eyre itself. The next set of essoins of this type are for three weeks after Easter or 6 May 1240.

sequence. This excuse could only be used in actions of the 'right' group, although there is an action of dower in this roll in which a litigant has used this type of essoin[12].

The entry recording the essoin normally indicates first the name of the litigant claiming the essoin followed by the name of the opposing litigant, the type of plea, the name of the essoiner and the place and time for the parties to appear. Sometimes this roll only provides the place if it is to be at the next session; for example at Cattishall in **26** where the essoiner, Ralph the son of Roger, essoins the litigant Simon Peche. The essoiner also 'pledges his faith', (*affidavit*), that his essoinee will be at the session mentioned. In **6** the essoiner 'pledged his faith' that Alice the wife of John Blench will be at Ipswich in a month after Easter.

The litigant also sometimes pledges to be at the court in the same session, but at a later date; for example in **15** the Abbot of Battle agrees to be at Ipswich via his essoiner, William the son of John, on a day one month after Easter concerning a plea of utrum against Adam the Fleming. Later in **120** they reach an agreement via a chirograph. Sometimes you can see delay from one session to another. In **10** and **654** the probable brothers, Ralph and Robert Blund, essoin against the same litigant Hugh de Vere, the earl of Oxford, on a plea of land, once in Ipswich and once in Cattishall. It is even remarked on in the roll that both are now essoined in **654**. One can see that this type of essoin is becoming a delaying tactic on the part of the defendant. The litigant being essoined can also delay matters to a later county in the eyre circuit or even to a specified later time altogether. In **78** the litigants are asked to be at Chelmsford in Essex, which is the next county in William of York's circuit, whereas in **914** the litigants are given a year and a day to get themselves to the Tower of London and the Bench at Westminster.

If the litigant essoining was a baron, or he was involved in a trial by battle, sureties were taken by the court and identified in this roll. It is assumed that the sureties in both cases were to ensure that the litigant appeared as he would be responsible and the sureties could be amerced if the litigant did not appear on the date specified[13]. For example, the Abbot of Bury St. Edmunds essoined in **1** on the surety of Peter de Bruniford on a plea of land to appear at Cattishall five weeks after Easter[14]. There are two essoins involving a trial by battle, **52** and **70**. They are both Norfolk pleas. In **70** Warren de Montchensy essoined from a trial by battle against Brian the son of Alan on the surety of Roger of Boyland. Later in the eyre they reached an agreement in **708**.

The essoin type *de malo lecti*, or bed sickness, meant that the litigant could not even start on the journey to the eyre session, having proved he was sick and confined to his bed. It was therefore less used as an excuse. If a court decided to go through this procedure then a writ *mitte* was issued by the court to the sheriff to send four knights to visit the litigants and to check that they were as ill as they had indicated. There is one essoin in the roll which demonstrates the appointment of knights to go to the litigant and the result of their visit. It is shown in **914** that four knights have gone to see John of Freston, who had previously essoined *de malo veniendi* in **21**, where he was supposed to appear one month after Easter in Ipswich. He subsequently essoined *de malo lecti* with two sureties[15], William of Felsham and Richard of

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[12] See *Bracton*, iv, p. 97 where Bracton indicates by the type of writ when an essoin *de malo lecti* may be used by a litigant. He also indicates that in an action of dower the litigants should not be able to plead *de malo lecti* because in the action of dower the grand assize or trial by battle is not possible, but see **80** below.
[13] It is not certain if this is a general legal rule but it does appear to be the case and applied by the justices in this roll.
[14] Probably on Monday 21 May 1240.
[15] In **76**.

Herringfleet, and was scheduled to appear at Ipswich[16] on Friday 25 May 1240. He had not arrived so the court, in the interim period[17] between Ipswich and Cattishall, had the four knights visit him and they confirmed a new date for him to be present in a year and a day and that he should be at the Bench in Westminster[18].

There are five other essoins *de malo lecti* in the plea roll, three of which were postponed to the Essex eyre at Chelmsford, of which one is further postponed to Kent where an agreement is made[19]. Of the other two essoins one, **79**, has no further plea shown in the roll even though a chirograph of an agreement exists indicating that the agreement was made at Cattishall during the eyre[20]. The final essoin *de malo lecti* - **82** - is unfinished, although the protagonists are shown, but there is no plea in the roll with the people named in the essoin nor can any chirograph be found. In all the cases, with the exception of one[21], where an essoin has occurred, it is impossible to say whether the subsequent delay achieved by the essoin was for a genuine reason or was the result of clever tactics by the essoiner.

As well as essoins the defendant could produce a voucher to warranty, who is basically going to become the defendant if he vouches the case of the original defendant. Naturally, if he loses then he suffers the consequences of amercement, damages and possibly remand into custody. He may also have to hand over some of his land to the original defendant to the value of the land originally asked for by the plaintiff. But, the voucher can, of course, exercise all the delaying tactics again of essoins or defaulting. He could even claim his age; that is that he is not of full age[22]; so the plaintiff would have to await the voucher's full age before the case could proceed[23].

Attorneys

Attorneys were appointed by many of the litigants to act on their behalf. The attorney's role was to appear in place of the litigant. Relatives and dependants were often appointed as attorneys[24]. As an example, in **139** Matilda of Newton appoints her husband Nicholas de Alneto. A husband could also appoint his wife, the only example in this roll being in **728**, where Richard the Barber appointed his wife Basilia to stand as his attorney. Sons could also be appointed as attorneys by their mothers (presumably widows), as for example Felicity the wife of Simon de Blogate appoints her son Henry in a plea of land against Gilbert the son of William of Carlton in **312**. There are a total of 144 separate and formally appointed attorneys

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[16] In fact by this time the eyre had moved onto Cattishall.
[17] 17 May 1240 according to **914**.
[18] Apparently he suffered from '*languor*' where according to *Bracton*, iv, p. 91 he indicates that a delay of a year and a day is the norm for '*languor*'. For the writ of *mitte* see *Bracton*, iv, pp. 113-115 and for how the knights judge the bed sickness see *Bracton*, iv, pp. 107-108. Also, p. 125 for the knights lack of flexibility in determining how long, and where the litigant has to take his case; that is the Tower of London, but in fact the Bench. I can find no reference to this case in the *Curia Regis Rolls, 1237-1242*, vol. XVI edt. by C. Hector.
[19] See **908** in the text where Henry of Caldecott eventually makes an agreement with Master Robert de L'Isle at Canterbury although it was not made in the Kent Eyre - see the footnote at the end of **908** and the Feet of Fine CP 25(1) 213/17/87. He had previously made an essoin *de malo veniendi* in **9** in the plea roll.
[20] See CP 25(1) 213/16/78. I would have thought that the agreement was noted in the roll even if it was only to record the amount of money to raise from the production of the chirograph.
[21] See **76** where the essoiner may have subsequently died.
[22] See *Glanvill*, pp. 82-83 or *Bracton*, (vol. ii), p. 250 where the idea of full age is laid out. It identifies that a son and heir of a knight's fee is of full age when the heir is twenty-one, if the heir is of a sokeman then the full age is fifteen and if of a burgage tenant when the heir is able to count money, measure cloth and 'perform other similar paternal business'.
[23] See **280**.
[24] See Brand, *The Origins of the English Legal Profession*, pp. 24, 43-45 and 49-50 for the origins of attorneys in English courts and what they could or could not do in the court, and also on the increasing professionalism of attorneys.

named in 154 pleas or essoins in the roll. The number must be higher as there are many instances of unnamed attorneys for litigants in the pleas I have calculated that there is a total of 59 pleas where an attorney is mentioned as standing in for a plaintiff, defendant or voucher to warranty but no name is mentioned in the plea nor can it be found in the list of attorneys. Forty-six of the appointments of attorneys in the list of attorneys appointed in the roll cannot be shown to have elicited any further action in the roll. It is possible that they were settled out of court, or that they were adjourned to another eyre but not shown in the roll. The concord between William the son of Rainer and Ivetta the wife of Adam of Cretingham, Beatrix the wife of Herbert Welaund, Christine the aunt and Matilda the daughter of Stephen de Wynesham is probably an example of settling out of court[25]. Unfortunately the eyre roll of Essex, the next county in the circuit, is not extant to be able to follow up some of these pleas. The use of attorneys was obviously an established practice, but it had not yet become a profession as there are very few attorneys who appear more than once in the roll - a total of 7. There is only one attorney that is appointed for three different people but all in the same plea[26].

The record of the plea roll sometimes gives an impression that the litigants are present and pleading before the court even if represented by an attorney. During the reign of Henry III there appeared a different class of lawyers who plead for the litigants and who were called 'serjeants' or '*narratores*'. It is possible that this class of lawyer existed during the period of this eyre, and probably even earlier. Brand indicates that the 'serjeants' began to be visible in the eyre by the late 1240s[27]. Unfortunately there is no obvious reference to a serjeant acting for a litigant in this Suffolk Eyre. It is only from the early part of the reign of Edward I that some of the law reports survive when the role of the serjeants can be seen in the adversarial manner we can identify in today's courts.

Analysis of the pleas

The headings shown in the table overleaf and in the Index of Pleas are those established by Maitland[28]. The table overleaf analyses numerically the actions and illustrates the number of pleas by type of action and the results of those pleas. This table only analyses the Suffolk pleas. For the equivalent table analysis of foreign pleas - see Appendix H(i) below.

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[25] See 130 and the Feet of Fines CP 25(1) 213/16/79.
[26] See 205-207 for the appointment of Edmund de Wymundhall as the litigants attorney and 464 for the case. It does not get very far as it is adjourned for a voucher to warranty to be presented.
[27] See Brand, *The Origins of the English Legal Profession*, pp. 46-49 and 54-64 on the early history of the 'serjeants'.
[28] The Index of Actions is taken from Maitland, *Bracton's Note Book*, i, pp. 177-187 and it shows twelve main headings under which actions can be classified. These headings are used in the Index of Pleas below. The layout of the Index itself is taken from Clanchy, *Berkshire Eyre*, pp. 565-585 and Harding, *1256 Shropshire Eyre*, pp. 381-395.

Suffolk Civil Pleas[29]

Form of Action	*Adjourned*	*% of Total Cases in Action*	*Agreed*	*% of Total Cases in Action*	*Not Prosecuted*	*% of Total Cases in Action*	*Withdrawn*	*% of Total Cases in Action*	*Judged for Plaintiff*	*% of Total Cases in Action*	*Judged for Defendant*	*% of Total Cases in Action*	*Void*	*% of Total Cases in Action*	*Total Conclusions*	*Total Cases in Action*	*% of Tot Cases*
Actions of Dower	15	32	4	9	6	13		0	14	30	8	17		0	47	47	5.72
Actions of Entry	9	15	8	13	16	27	3	5	11	18	14	23		0	61	60	7.31
Miscellaneous Actions - Land (unspecified)	4	7	43	74	4	9		0	3	5	1	2	2	3	57	57	7.06
Actions of Right	28	29	41	43	6	5	3	3	5	5	12	13	1	1	96	96	11.57
Actions on Limited Descents (mostly *Mort d'ancestor*)	12	8	35	22	40	25	4	3	23	15	42	27	2	1	158	158	19.24
Appellate Proceedings		0	1	25	1	25	2	50		0		0		0	4	4	0.49
Assizes of *Novel Disseisin*	1	1	3	2	41	22	11	6	62	33	72	38		0	190	189	23.02
Nuisance		0		0		0	1	7	9	60	5	33		0	15	15	1.83
Assizes Utrum	3	8	7	19	2	3		0	15	42	8	22	2	6	37	37	4.38
Assizes of Darrein Presentment		0		0		0		0		0	1	100		0	1	1	0.12
Miscellaneous Actions (Others)	6	11	6	11	9	19		0	8	15	3	6	20	38	52	52	6.46
Personal Actions	20	19	29	28	35	33	3	3	7	7	8	8	3	3	105	105	12.79
Total Outcomes	**98**	**12**	**177**	**22**	**160**	**19**	**27**	**3**	**157**	**19**	**174**	**21**	**30**	**4**	**823**	**821**	**100**

Table 5 - Suffolk Civil Pleas

[29] I have included the void items in this table because, for those that do contain information, they relate to Suffolk. 'Total Conclusions' are shown because some cases came to more than one conclusion.

Introduction - Civil Pleas in the Suffolk Eyre of 1240

Forty-four per cent of the actions brought before the justices in this eyre at its three locations by the litigants of Suffolk were those initiated by the possessory assizes of *novel disseisin*, 25% (together with that of nuisance) or *mort d'ancestor*, 19%. These have been compared with those eyres published for the 1235 Eyre in Surrey, 1248 in Berkshire, 1249 in Wiltshire, 1256 in Shropshire, 1263 in Surrey and 1281 in Derbyshire[30].

In 71 cases of *novel disseisin* - including nuisance - where there was a clear decision either way, the judgement favoured the plaintiff compared with 77 for the defendants. By contrast in cases of *mort d'ancestor* the plaintiff won in only 23 cases compared with 42 for the defendant. This does not take into account the cases agreed between the litigants. In 35 cases of *mort d'ancestor* the litigants made an agreement, which might be shown in the plea roll as a simple statement that the two parties have agreed and that one of the litigants has offered a sum of money to have a chirograph made to record the details of their agreement[31]. Of the other types of action, dower (6% of Suffolk pleas) and the plea of entry *cui in vita*, where Suffolk widows sought redress after their husbands had alienated the dower or other land 'whom she could not contradict in his lifetime' form 7.1% of Suffolk pleas (58 cases), with just 40% of the widows winning their pleas or reaching agreement[32]. Other writs of Entry (6%), actions of Right (12%), personal actions (13%), and a wide variety of other actions make up the rest of the business of the civil pleas. A total of one hundred and seventy-seven Suffolk actions (22%) ended with an agreement of sorts, and a further 42 foreign plea cases ended in agreement - 219 pleas out of a total of 924 pleas[33]. Out of these 219 agreements ,chirographs have survived in 127 of the cases[34]. In a further 70 cases the agreement was enrolled in the plea roll, of which 13 were both enrolled and a chirograph produced. Of the pleas that do reach a conclusion 40% of the Suffolk pleas are decided for a defendant or a plaintiff. Neither the plaintiff nor defendant fared better than the other. A more detailed analysis of the major types of plea follows.

Novel disseisin

Two hundred and four assizes of *novel disseisin* were brought before the court by Suffolk litigants who claimed that they had been unjustly and without judgement disseised of their lands, pasture, common rights or rents or that their neighbours had caused them a nuisance, which stopped the plaintiff from enjoying the use of his land. There was a time limit put on the plaintiff before which he could not sue by

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[30] See Appendix II(ii) below. I think this analysis confirms Susan Stewart's conclusion in her unpublished thesis of the *1263 Surrey Eyre*, unpublished thesis, vol. 1, p. 50, note 30, that more analysis is required of the plea rolls for counties to confirm trends in the use of these assizes. I think that the addition of some of the later eyres figures for these assizes, as well as this eyre tend to buck the trend she hints at. I also think that a further analysis is required of the assizes of *novel disseisin* and *mort d'ancestor* taking place between eyres as well as those of other types of plea. Perhaps this analysis could provide a trend on the relative popularity of these types of action until the end of the Eyres process.

[31] See 227 where Peter of Burgate reaches an agreement with Thomas of Gedding. There is no information in the plea as to what land was in dispute, for that it is necessary to obtain the information from the surviving chirograph (if there is one). In this case see CP 25(1) 213/15/35 where Thomas had sued Peter for 50 acres of land in Burgate. In fact it gets more complicated than that because Peter was vouched to warranty by 4 other people for a total of 13 acres of the 50. So, it is possible that originally Thomas had writs out against these others. However, it is only when you read the agreement that you realise that Peter, the defendant, won the case as he kept the land although it cost him 4 marks plus ten shillings for the chirograph.

[32] See chapter 7 below for a fuller analysis of the problems of women in these types of pleas and in other types.

[33] This is 23% of all pleas, excluding the void items identified.

[34] See chapter 3, pp. 39-40 above.

this writ, a time limit which moved over time. At the time of the Suffolk Eyre of 1240 the limit was established as 'after the first crossing of Henry III to Brittany', which was in May 1230[35]. Most disseisins on the Suffolk Eyre appear to be very recent and it was the nature of this action for judgement to be swift; delay was not allowed. Even essoins were not allowed in this action[36]. Judgement was also speeded up by the fact that the jurors had already inspected the land beforehand and in many cases they were ready to give a verdict by the time of the court. The effectiveness of the assize of *novel disseisin* as a fast means of remedy can be found in the fact that all but one Suffolk action begun at the court were brought to a conclusion.[37] There is also another adjournment in a case of *novel disseisin* in a foreign plea from Norfolk to the court *coram rege*[38]. The clerk indicates that the case was originally heard by Robert de Lexington, possibly at the court *coram rege* prior to the start of this general eyre, as William of York had taken the eyre in Norfolk prior to this one in Suffolk. The litigants, John of Gaywood (plaintiff) and Earl Warenne (defendant), were supposed to appear to hear the judgement of the ordinary jury. However, neither litigant appeared so William of York adjourned the judgement for it to be heard in front of himself and his fellow justices at the court *coram rege* at the first opportunity. That was not until late in 1241 when William was appointed the senior justice *coram rege* as he played a full role as the senior justice in his eyre circuit until that time. It is unlikely that Earl Warenne ever heard the verdict as he had died before this date[39].

In over 25% of the cases of *novel disseisin* the threat of the action may have been enough to resolve the dispute for either the writ was not prosecuted or the case was withdrawn at the court. Sometimes the defendant does not have to make any plea and the jury immediately indicates who has won - plaintiff or defendant - and the court amerces the litigant who has lost. In 18 cases one or more of the defendants do not turn up and of these 8 are won by the plaintiff and 8 by the defendant. On the face of it this would disprove the claim that when the litigant does not turn up he loses the plea[40]. However in all the cases where a defendant has not turned up, another defendant in the plea, or the bailiff of the defendant, has turned up to represent his or her interests. Where none of the defendants turns up the plaintiff wins.

In some cases the issues were complex and contradictory and the jury was called upon to use their local knowledge of the plaintiffs and defendants, as well as of the property in dispute and the result of their enquiries, to decide the truth of the matter. Sutherland indicated that it is not uncommon for disseisins to be committed by a large band of supporters[41]. For example, in 348 the plaintiffs, Robert

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[35] See below in the text of 160 where although it is not actually mentioned in full in the roll it is implied by the shorthand method the clerk used; that is '*post primam etc.*' It is also shown in a writ of *novel disseisin* for which see Clanchy *1248 Berkshire Eyre 1248*, pp. 423-424 for loss of a tenement.

[36] See *Bracton*, iii, p. 64.

[37] See 333 below. Although the clerk does not complete the plea, it is obvious from the marginalia that it may have been adjourned to await the age of the defendant. This is very unusual as normally there were very few instances of adjournment of a *novel disseisin* plea - see Sutherland, *Assize of Novel Disseisin*, pp 19-20 & 129-133.

[38] See 309.

[39] In fact the case was heard in *coram rege* at Thetford on Tuesday 19 July 1239 in front of Robert de Lexington. In *Curia Regis Rolls 1237-1242*, vol. XVI, pp. 217-218, no. 1173. What is also interesting about this case is that there is a tit for tat disseisin by John of Gaywood's lord, John Marshall and his men, and Earl Warenne and a number of his men. The reason for the tit for tat disseisin was that John of Gaywood had disseised his brother's four daughters and his brother had been Earl Warenne's man. When John disseised the daughters he went and paid homage to John Marshall. Earl Warenne and his men then disseised John on behalf of one of the daughters and then John Marshall seized the messuage on behalf of his man John. The case according to the jury was in effect lost to John as the jury found for the daughters. In the court *coram rege* Lexington gave a date of the quindene of St. Michael - 13 October 1239 - to hear judgement, but by then Lexington had just started on his eyre at Northampton. No subsequent judgement at *coram rege* can be found for this case.

[40] See unpublished thesis of Susan Stewart, *1263 Surrey Eyre*, unpublished thesis, vol. 1, p. 51.

[41] Sutherland, *Assize of Novel Disseisin*, pp. 118-125.

Figge and Avelina his wife, named twenty-four defendants in his writ; the jury decided that fourteen defendants disseised him unjustly of his common pasture but the plaintiff was in mercy for a false claim against ten innocent parties. In another plea of *novel disseisin* - **795** - there were sixty defendants but this time the jury decided the case in favour of all the defendants and the plaintiff was in mercy for a false claim. Sometimes the jurors provided detailed information in their verdicts, which give additional insight into the case. For example, in **160** the jurors identified those persons who had sold the various amounts and types of land, which were the subject of the plea, to the plaintiff's father Thomas Luton, and to William Luton, and Alice his mother, the plaintiffs. This was done to show how long the plaintiffs had enjoyed the identified lands before the 25 defendants had disseised them. The jurors indicated that the majority of this land had been held by Thomas Luton for ten years and that William had held, presumably after Thomas's death, for six months. The remainder of the land, which William had bought, he had held for over three years. *Bracton* indicated that within the law the tenant could resort to a large measure of self help to evict a disseisor but that such a remedy should be taken '...while the disseisin is fresh, that the *injuria* of disseisin does not grow cool by acquiescence, dissimulation, negligence, weakness, despair, or negligent impetration...'[42]. There is no indication that any tenant took such timely action in this roll.

Awards of damages were assessed by the court, payable to the winning plaintiffs by the losing defendants. The damages covered the profits the land would have realised if it had not been lost to the plaintiff, and the value of any chattels consumed or destroyed, and the assessments were on the whole in proportion to the size of the tenement. In **160** the court was also quite imaginative in its award of damages by indicating that the 25 defendants would pay 8 marks in common and 1 mark separately - a total of 33 marks for the 25 acres in dispute. William Luton and his mother were lucky in that it looks as though they received all the damages but in other pleas the plaintiffs sometimes did not receive a penny as it all went to the clerks. In **382** the damages of five shillings and six pence were all assigned to the clerks. The award of any, or all, the damages to the clerks may have been in accordance with some rule and scale, as Meekings implies, but the evidence of this plea roll and of the various other printed plea rolls does not appear to bear this out. *Glanvill* and *Bracton* appear not to provide any evidence on what basis the clerks are awarded the damages. Meekings implies that there may have been an arrangement between the sheriff's office and the officers of the court, but that it was probably an ad-hoc arrangement. Harding, however, argues that the clerks were '.... maintained largely from the damages (one mark or half a mark a time) awarded to successful plaintiffs, which were diverted automatically to the clerks in whole or in part'. I do not think that the marginalia of this roll bears out this argument, certainly not for this time in Henry's reign. Perhaps it was more systematically applied later in the reign, or in the reign of Edward I as the Statute of Westminster II of 1285 c. 44 implies, where specific fees are laid out, for example 4 shillings for the making of a chirograph. In addition to damages someone convicted of disseisin may be remanded in custody, and they would almost certainly be amerced as well. The disseisor who lost the action would also owe the sheriff an ox or five shillings[43]. At the assize in Suffolk the sheriff would collect £17-15s (or 71 oxen).

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[42] See *Bracton*, iii, pp. 19-23.

[43] See *Bracton*, iii, pp. 18, 76 for the rules on assessment of damages for the plaintiff, and see Meekings, *1235 Surrey Eyre*, i, pp. 25, 32, 84-85, and 95-96 for his arguments on the clerks' share of the damages. See Harding in *The Law Courts of Medieval England*, p. 72 on his arguments on damages going to the clerks. In other eyres there may be an arrangement that if damages are assigned to the

The defendant or plaintiff in an assize of *novel disseisin* could appeal an outcome if they were dissatisfied. They could bring an action of attaint, by which a jury of 24 reviewed the verdict of the assize, and reversed it if they disagreed with it. Although there are two examples of where the attaint proceeds and a jury was appointed, out of the 11 items in the roll where attaint processes are mentioned, none of them produced a decision for either the plaintiff or the defendant at this eyre. In the two cases concerned - 774 and 776 - both resulted in an agreement. In 774 the agreement between the Prior of Shouldham and Roger the son of Hermer concerning his common pasture and the restoration of the ditches is spelt out in the roll. In the other 9 instances, where the case did not get as far as a jury, the roll only indicated that either an agreement was made, the plea was withdrawn or the plea was not prosecuted.

Mort d'ancestor

The assize of *mort d'ancestor* had been introduced as part of the reforms of Henry II and its purpose was to allow an heir of a deceased father, mother, sister, uncle or aunt to sue for the recovery of an inheritance held as of fee from which he or she had been unlawfully excluded. *Bracton* indicated that a plaintiff may plead the assize of *mort d'ancestor* if his kinsman's land had been disseised and the plaintiff was his or her heir, or the plaintiff was the nearest heir of their kinsman and the lord refused the plaintiff access to his seisin[44]. Sutherland indicates that the assize of *mort d'ancestor* was often an instrument against the lord if the heir was refused entry into his ancestor's holding[45].

There was a specified time before which the heir could not sue using this writ during which they would have had to use a Writ of Right[46]. Alongside the normal writ of *mort d'ancestor* there were two other writs; one of which allowed for the cases where the degree of kinship was outside the limits of the assize, such as inheritance from grandfather or cousin and was called *cosinage*[47], and the other, used by parceners claiming their inheritance and was called *nuper obiit*[48]. The process by the sheriff, on receipt of the writ, was similar to that of *novel disseisin*, that is he sent recognitors to view the property to find out if the ancestor named in the writ held it in demesne as of fee on the day he or she died, and to check if the claimant was the next heir. The defendant would then be summoned to the court, but in contrast to *novel disseisin* pleas the defendant could exercise many of the delaying tactics that could be used in the other types of plea and thus caused the adjournment of the plea in 8% of the Suffolk *mort d'ancestor* cases[49]. There are also 7 instances of essoins in *mort d'ancestor* pleas in the roll. In this eyre warrantors may also be present and the sheriff may make an oral summons to defaulters to appear on a later day in the eyre. 22% of the cases concluded with an agreement, twenty-two by chirograph and thirteen by an enrolled agreement. Three cases are also concluded by a licence to render the land to the plaintiff [see 380, 554,

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clerks they are either all assigned or only half the damages. But there are occasions where specific amounts from the damages are assigned. As to why some plaintiffs have their damages assigned and others not, it is difficult to provide an explanation. Perhaps, it was also done on ability to pay.

[44] See *Bracton*, iii, pp. 245-246 for his reasons when a disseised heir may plead this assize. *Bracton*, ii, pp. 296-297 indicates the order by which a disseised person may use the various writs open to them to obtain satisfaction - as *Bracton* says 'from possession to property'. This indicates that the plaintiff can sue from *novel disseisin*, to *mort d'ancestor*, to entry, to the writ of Right in sequence but not at the same time.

[45] Sutherland, *Assize of Novel Disseisin*, p. 31.

[46] From 1237 the time limit had been set as the last crossing of king John from Ireland in 1210.

[47] Just as Robert of Boyton did to his kinsman's land, Thomas de Blunville, the late bishop of Norwich in 182.

[48] Just as Millicent the daughter of Alice Shire did in 1149 against her sister Margery and her husband. She probably did not really want the land as she quitclaimed her share for twenty shillings.

and 750]. In forty of the cases the plaintiff did not prosecute and in four cases the plaintiff withdrew from the plea after it had started and thus they faced amercement.

After a case had commenced in the court, there were numerous exceptions and claims that the defendant could make to rebut the plaintiff's plea. For example; that the ancestor did not die seised in demesne as of fee [in 316, 372, 377, and 850]; that the plaintiff was not the nearest heir, often he had an elder brother [in 223, 394, and 853]; that the plaintiff was a bastard [in 381 and 800]; that the plaintiff had sold the land to the defendant [in 384]; that the plaintiff, or even the defendant, were villeins [in 362 for plaintiff, or in 385 for the defendant]; that the assize had been taken before, perhaps at a previous eyre or assize [in 329 and 493][50]. The jurors were then called upon to give their judgement based on the arguments put forward. Out of 65 judgements (41% of all Suffolk *mort d'ancestor* cases) only 23, or 35% of the judgements, were for the plaintiff and 42 for the defendant. Some verdicts indicate the depth of knowledge required of juries, particularly in relation to who had held the land from whom and what was the relationship of the descendants to the ancestor mentioned by the plaintiff. In 329, for example, there are seven defendants, and the jurors indicated that the plaintiff, John the son of William Dosi , was the son of the man who had died seised of the land, which one of the defendants - Richard the son of Simon - currently holds. The jury goes into the detail of how the land passed from the grandfather of the defendant (Richard) back to the lord of the fief, who then sells it to the father of the defendant - Simon. Simon realising that if he and his issue were to hold onto the land managed to marry the heiress to the land, as she was the daughter of the defendant's grandfather[51]. However, the jury then pointed out that Simon died and that the heiress subsequently married for a second time and that this husband sold the land to the plaintiff's father, and who died seised of the land. The jury also indicates the amounts of land of two other defendants that the plaintiff is also entitled to hold as his father was also in seisin of that land at the time he died, so the plaintiff recovers his seisin. But the jury then proceeds to show that the plaintiff's father had not died seised of the land of two other defendants - Roger Habanc and Matilda his wife - because the land was the dower of Matilda's sister. For this false claim the plaintiff was amerced.

Amercements were imposed on the losing parties in the normal way but no damages were imposed on this type of plea. In order to recover damages if a lord had made waste of the land, while acting as the guardian of an heir, then a relative or friend could bring a separate action for waste on the heir's behalf and assessment made of any damages incurred[52].

The plaintiff could also take his plea of *mort d'ancestor*, or *novel disseisin*, to an assize outside of the eyre if he missed the eyre for one reason or another. As has been seen in chapter 1 above, Thomas de Hemmegrave acted as one of the judges of the assize shortly after the completion of the eyre in 1240. Yet another reason for their popularity was that you could attempt to get justice outside the normal terms without going to the Bench at Westminster or waiting on the next eyre. But, this may be more costly to the plaintiff as the writ *de cursu* was probably only sixpence compared with the cost of a writ for a special commission for a specific judge on an assize.

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[49] See Table 5 above.
[50] For a complete list see the Index of Pleas below.
[51] She is Edith, and the mother of Richard the son of Simon.
[52] See *Bracton*, iii, p. 328.

Other actions

The actions by writs of dower and entry formed 6% and 7% respectively of the Suffolk pleas. Of the 107 pleas in these two categories 84 were actions pursued or defended by women litigants[53]. In pleas of Entry eleven were pursued by women using the writ *cui in vita* when the dower, that is the specific land that has been assigned as dower to the wife; or other inheritance had been transferred to others without consent[54]. The chapter on women below examines their success, or otherwise, in their litigation at the eyre in relation to all the actions of dower and entry where the dower is at issue[55].

Other forms of the writ of entry were available for the recovery of land which had been demised to another for a term which had expired - in **157, 300, 471, 955, 958, 986, 991, 1003, 1016, 1030, 1035, 1036, 1044, 1053** - or if the land had been transferred to another by a guardian during a minority - in **175, 345, 601, 992, 1011**. Only in three of the above pleas - **157, 175** and **300** - are the issues between the litigants provided in detail[56].

There are two other actions that account for almost a quarter of all the actions, they are actions of Right (12%) and personal actions (13%). In some respects it is of significance that the numbers of the actions of Right are out of line with some other eyres. The Berkshire Eyre of 1248 only has 5% of its cases as actions of Right and the Wiltshire Eyre of 1249 has 7%[57]. Sutherland indicates that during the thirteenth century the possessory assizes became more popular than the older writs, such as that of Right, and this appears to be born out by the figures in Table 5 above. However, he also implies that the actions of Right dwindled in use during this century[58] but the number of actions of Right (95) in this Eyre appears to indicate that this may not be evident in Suffolk[59]. However, there is evidence that other and speedier remedies, particularly the writs of entry, which often covered the same ground for the recovery of possessions and property, become more popular than the old writ of Right.

Actions of Right could also be used to pursue claims of advowson, customs and services and wardship. Many freeholders, like William Cook of Livermere, opted as defendant to use the process of the grand assize as part of the action of Right[60]. This was a process, introduced as part of the reforms of Henry II, as an alternative to a trial by battle to determine who has the final right to the property, customs and services or wardship. The process did not do away with the trial by battle, in fact battle was offered in 6 pleas in the roll, but both methods of action pursued the matter to its root, that is who had the greater right to the land[61]. This was unlike the possessory assize of *novel disseisin* where it was only necessary to determine if somebody had disseised the plaintiff, even if the plaintiff had no right to the land in the first place. The jury in the grand assize was used to determine the truth of the matter. In the case of Peter de Grenville and Isabella of Saxham against William Cook of Livermere the plea indicates the process of the

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[53] There are a total of 47 actions of Dower and 60 actions of Entry in the Suffolk pleas.
[54] See *Bracton*, iv, pp. 21-34.
[55] See chapter 7 on 'Women in the Suffolk Eyre of 1240' below.
[56] For all types of the writ of entry see the Index of Pleas below.
[57] See Clanchy, *1248 Berkshire Eyre*, p. cviii and Clanchy, *1249 Wiltshire Civil Pleas*, p. 28.
[58] See Sutherland, *Assize of Novel Disseisin*, p. 43.
[59] See **151** below. This is the only plea in the roll where the jury in a grand assize is seen to provide a verdict. All the others where the parties come to an agreement no mention is made of what the jury said. It looks as though they came to a private agreement, which may also be the case of those cases where the plaintiff did not prosecute.
[60] See **1067** below.

selection of the jury; that is four knights are selected by the court and agreed with the litigants, who will go to the neighbourhood of the land in question and choose a number of local knights to inquire into the truth of the matter as far back in time as they deemed fit[62]. This process of inquiry might take a long time to determine and there are a number of instances in the roll where the jury is named and then the case is adjourned to later in the eyre[63]. In fact, in the case of Peter and Isabella against William Cook of Livermere the jury is named but unfortunately their deliberation and their result is not described, only the fact that Peter and Isabella came to an agreement with William Cook and a chirograph issued detailing the agreement[64]. The roll has 32 instances of a grand assize being used of which 20 - or 63% - come to an agreement, which implies that this type of action fulfilled one of the intentions of Henry II to obtain an agreement between the parties to the action. Of the other 12 grand assizes 5 were not prosecuted by the plaintiff, 6 were adjourned and one other went to trial

The plea roll also indicates the procedure if a trial by battle was to be used to determine the outcome of the case. In all the cases shown in the roll the litigants chose a champion, who is often named, and who would do battle. Whichever champion won meant that their litigant would have the right of the land etc. Unfortunately only one of the pleas in the roll - **797** - indicated the outcome of the battle, or even if the battle took place. More often the plea is adjourned so that they can prepare the champions to come armed to proceed to the battle[65]. In **797** the procedure is explained as to what the sheriff must do in re-assigning the land to the successful litigant after the battle was fought. It explains that Brian, the son of Alan, is being assigned a third of the land of William le Blund except for the advowson of the church and the chief messuage and other named appurtenances and it has to be valued by the sheriff and a jury. The results of this valuation are to be made known at Chelmsford on the next eyre. Battle may also be offered for an appeal of felony and there are two example in the plea roll - **192** and **213** - which both end with a fine being made to the king - one of ten marks and of one mark respectively.

Many actions of Right must have been decided in lower courts, either county or seigneurial, for which records are sparse. In **476** it is implied that the original trial was in the county court of Suffolk and that because the eyre intervened the case had been adjourned there to enable a warrantor to arrive, probably because the warrantor would almost certainly be at the eyre. The warrantor having arrived, the court indicated that the case should be concluded at the county level warranting the litigant there. Litigants could transfer their cases from the county court to the eyre or to the Bench by means of a writ *pone*, but there is only one identifiable example in the roll where a fine was made at the Bench and then the case transferred to the eyre court whereupon an agreement was made, as in **1075**[66]. In fact this plea also relates to a personal action plea[67] where two of the same litigants - Thomas the son of Ranulf, the

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[61] See *Glanvill*, pp. 180-181, Pollock and Maitland, *History of English Law*, ii, pp. 632-634 , Hudson, *The Formation of the English Common Law*, p. 134 for its introduction and pp. 203-205 for its operation, and Warren, *Governance of Norman and Angevin England*, pp. 117-118 for the introduction and idea behind the grand assize and trial by battle.
[62] In **1067** 18 knights are chosen to determine the right of Peter de Grenville and Isabella of Saxham against the Abbot of Bury St. Edmunds and William Cook of Livermere, but probably only twelve were actually used by the court.
[63] See **149** where the jury is chosen and then the case is delayed until the court meets at Cattishall when the twelve are expected to appear.
[64] See CP 25(1) 213/17/121 where William acknowledges the land to be the right of Peter and Isabella, but they agree that William can have half the land in question for a money rent of twenty pence per annum payable at four terms.
[65] See item **755** where Roger de Mortimer and Hugh de Albanico the litigants choose their champions, John Punchard and Adam the son of William respectively and then they are asked to be at Chelmsford for the battle.
[66] The chirograph is CP 25(1) 213/17/113.
[67] See **1106**.

plaintiff, and William the son of Sefrey, the defendant - are involved in a *de fine facto* plea for eight acres of heath pertaining to ten acres of land. The fine being asked to be enforced was made originally at Westminster in the Bench, but there was another fine mentioned and made in front of Robert de Lexington at the previous eyre in Suffolk in 1235. What is interesting here is that the rolls of Robert de Lexington were examined in this eyre to see if the fine could be found. Presumably, the clerks would have to locate them first, possibly with Robert on his eyre or even at his home[68]. There was a fine found in Lexington's roll, but not for the heath land, only for his common of pasture that pertained to the ten acres of land. So Thomas lost his case, but the amercement for a false claim was pardoned because he was poor. This is confirmed by the fact there is no mention of any amercement against Thomas in the amercement section for this eyre.

The other Personal Action pleas of warranty of charter, debt, annual rent, *de fine facto*, detinue of charters or chattels, covenant, trespass and replevin can be located through the Index of Pleas.

For all other types of plea in the common pleas business at the eyre see the Index of Pleas below.

The Suffolk litigants and their tenements

The Suffolk litigants who sued out their actions at this eyre were all freeholders. If the litigant could be proved to be a villein or the litigant held in villein tenure then the action fell[69]. Milsom_indicated that the assize of *novel disseisin* may have been established as a remedy specifically for tenants against their lords, when the lords have disseised them wrongly and without judgement at law[70], and was 'available only incidentally against other disseisors'[71]. Milsom also indicates that by the time of *Glanvill* it had been extended to actions by neighbour against neighbour, and even lord against tenant[72]. Sutherland also observed that the effectiveness of the action is shown by the numbers of freeholders who used it to sue for very small pieces of land and that 'it could often vindicate the rights of tenants against their lords and the rights of poor men against the rich and powerful'[73]. The assize of *mort d'ancestor* was provided to protect heirs from lords who denied them their seisin in fee as their lawful inheritance.

There are many examples of lords being brought to court to answer to actions brought by their freehold tenants. There was thus a likelihood of plaintiffs being of a lower social standing than defendants, though of sufficient standing to be able to afford the expense of litigation in the king's courts. However, there are also many examples of smaller free landholders using the various possessory assizes and other writs between each other not just against a lord.

An attempt has been made to investigate the size of the holdings in dispute by the type of plea in the eyre. The holdings have been placed in four categories: holdings of up to 9 acres (A), those between

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[68] Robert of Lexington was taking the Lincolnshire Eyre at this time. It is unlikely that the rolls would be at the Exchequer as the edict collecting all extant plea rolls had yet to be issued. Unfortunately Lexington's plea roll for Suffolk in 1235 does not survive.
[69] See below in chapter 6 on villeins for how they fared in this Eyre.
[70] See his 'Introduction' in Pollock and Maitland, *History of English Law*, i, pp. xxxix-xliv. Milsom saw *novel disseisin* initially as a remedy against disseisins that violated the Compromise made between the future Henry II and King Stephen but which gradually was used in a wider capacity.-
[71] See Sutherland, *Assize of Novel Disseisin*, p. 30.
[72] See Milsom, *The Legal Framework of English Feudalism*, p. 13, n. 4, and p. 27.
[73] See Sutherland, *Assize of Novel Disseisin*, p. 48. This is also the view of Brand in his answer to Milsom's thesis on the original intention of the writ of *novel disseisin* against the lord by the tenant, where he argues that the purpose of *novel disseisin* was from the first 'a public order one' and that it was confined to 'free tenements' and 'free tenants' as that was the limit over which the king could 'undertake measures'. For which see Brand, *The Making of the Common Law*, pp. 222-224.

10 and 33 acres, and which included all those called either half or one virgate - in Suffolk a virgate is 30 acres (B), those between 34 and 120 acres - or one carucate[74] (C) and those greater than one carucate (D)[75]. There are 463 pleas in the roll which identify the size of the holding, which represents 49% of all the civil and foreign pleas in the roll. The vast majority of holdings (85%) were within either group A or B. Seventy-six per cent of the tenements in actions of *novel disseisin* were in group A, that is under 10 acres, 71% of tenements in actions of *mort d'ancestor* were in A, and 76% of the claims for dower were in groups A and B. It has also been possible to determine the average size of tenement in dispute for those pleas that has a size of land indicated in the plea. The average amount of land for all pleas that contains an amount of land in dispute is approximately 21 acres which places it in Group B[76].

There is evidence from the eyre record itself to indicate that some of the disputed tenements form only a part of the total holding of the litigant. I can demonstrate this by looking at four litigants in the eyre. Margery, the wife of John the son of Ralph, in pleas **321** and **322** for half a messuage in the vill of Little Yarmouth[77] in Suffolk and for 5 acres in the vill of Repps in Norfolk. A similar example of small amounts of land in dispute from the eyre roll is that of Alice the wife of Roger of Burgh who sued two cases of *novel disseisin* for one rood and one acre respectively against Geoffrey the son of Guy and Ralph of Burgh[78]. She won both of her cases here and we know that it was not her only interest in the vill of Burgh as she sued another case in the roll by means of a writ of entry against Oliver of Burgh for one acre, which she lost because it transpires that she sued the wrong man[79].

It is also often the case in this plea roll that if a litigant is suing in one plea for a small amount of land, it is more than likely that if the litigant is suing in another plea it will also be for a small amount of land. The two cases for the small amounts of land in the previous paragraph are typical in this roll. The evidence of those litigants that are suing for small amounts of land, which by the evidence of this eyre is the majority of litigants, is indicative of how the common law has reached out to wide sections of society, even to those of low social status, for example the free peasantry. These cases for relatively small amounts of land may also be an indication of the relative poverty of the individuals concerned.

Perhaps the growth in the population in East Anglia exerted pressure on the pattern of holding as the custom of partible family holdings between sons was common in Suffolk as well as in other parts of East Anglia. Williamson has indicated in her study of the Norfolk land market that the size of a tenement holding could be extremely small because of this sub-division. She has an extreme case of a manor of the cathedral priory of Norwich where the 104 tenements of Martham[80] had been broken up by the end of the

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[74] In Suffolk it is normally assumed that a carucate is 120 acres. See Maitland, *Domesday Book and Beyond*, p. 483 for his reasons for believing that a carucate is 120 acres in Norfolk and Suffolk. Also D.C. Douglas, *Social Structure of Medieval East Anglia*, p. 50 and also Darby *The Domesday Geography of Eastern England*, pp. 163-164.

[75] See Appendix B for the full analysis and tables.

[76] See A. Jones, 'Land Measurement in England, 1150-1350', in *Agricultural History Review*, vol. xxviii (1979), pp. 10-18 for arguments on the size of an acre. As he indicates that size of an acre were not standardised until later in the thirteenth century. There is an appearance of some regularity in the size of the acreage of individual plots in dispute and therefore it is tempting to agree with him that 'in the Norfolk feet-of-fines at the turn of the twelfth century points to a fiscal rather than conventional acre', mostly because of the "... air of regularity about the acreages in dispute". In Appendix B below the sizes indicated in the pleas have been taken at face value in terms of acreage as there is no indication in the pleas, or the chirographs where known, that different sizes of the acre are involved.

[77] This is now Gorleston in Lothingland Hundred.

[78] See **363** and **364**.

[79] See **323**.

[80] In West Flegg Hundred in Norfolk.

century into over 900, averaging less than two and a quarter acres[81]. She also noted that often even these holdings were fragmented so that the average size of a fragment was only one and a half roods. She argues that it would therefore often pay tenants to sell or rent out their land, partly to allow mutual convenience to their respective holdings across a number of fields and also to dispose of sub-subsistence holdings[82]. Active freeholders could also acquire land by marriage or from the less prosperous who would also benefit by releasing some assets by the sale of a small amount of land to an acquisitive neighbour[83]. This situation could allow a number of these free farmers to acquire these small holdings and gradually build up reasonable size of tenement. This market in free land certainly existed in the 13th century and was becoming so vigorous that the more enterprising freeholders could acquire pieces of land from many lords and from each other, and the length of the chain of tenurial relationships became ever more complex.

Another possible indicator of relative poverty is those small holders who lose their plea and, because they are considered by the justices to be poor, their amercements are pardoned for poverty. A total of 43 pleas, or 9.4% of all amercements mentioned in the roll, end with the amercement being pardoned for poverty[84]. The total of amercements pardoned for poverty may be greater than this because 25 other pleas end with poverty being noted but no amercement is noted in the plea, nor can they found in the amercement section. Clanchy, however, argued that the notification of poverty in a plea, and even the pardoning of an amercement does not necessarily indicate destitution, just that the justices considered 'that the person did not have sufficient goods and chattels to sustain his customary way of life if distrained for debt'[85].

A more substantial holding in dispute, also in two separate places - Hemingstone and Henley in Bosmere Hundred - for a total of seventy-four and a half acres against 4 defendants can be seen in plea **328**. Another example of substantial lands changing hands is that of Geoffrey de Say and his wife Alina. They claimed her dower from her first husband, Hubert de Vallibus, from a variety of litigants in Denham in Suffolk and in Cringleford in Norfolk[86]. She is claiming one and a half carucates (180 acres) and the advowson of the church of Denham as well as forty shillings in rent from Thomas the son of Thomas of Moulton and Matilda his wife. In Cringleford she is claiming seventy-two shillings and sixpence rent from Simon Peche and Agnes his wife, 10 acres from William Mauclerc, 12 acres from William Stute and 9 acres from the Abbot of Langley[87]. The Abbot vouched Henry of Barford for the six acres and this element of the case was eventually referred to the Bench at Westminster[88]. As can be seen from the latter set of cases brought by Alina the wife of Geoffrey de Say, the widow had to bring many actions to secure her full dower rights, and if required in many different counties or at the Bench. But she was married to a

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[81] See J. Williamson, 'Norfolk: Thirteenth Century' in *The Peasant Land Market in Medieval England*, edt. P. D. A. Harvey (Oxford, 1984), pp. 69-71.
[82] See J. Williamson, 'Norfolk: Thirteenth Century' in *The Peasant Land Market in Medieval England*, p. 83.
[83] For a general view of the state of the land market at this time in the 13th century see Bolton, *Medieval English Economy*, pp. 105, 113-115. For a specific view of the land market in three villages in 13th century Norfolk, see J. Williamson, 'The peasant land market in Norfolk' in *The Peasant Land Market in Medieval England*, pp. 30-105.
[84] The percentage is derived from the amercements listed in the amercement section plus those pleas where an amercement is pardoned.
[85] See Clanchy, *1249 Wiltshire Civil Pleas*, p. 18. He also argues that this was because in Magna Carta, clause 20, it had ruled that no freeman should be amerced so heavily that he was deprived of his livelihood as assessed by a local jury.
[86] The main items for these pleas are **526** for Denham and **727** for Cringleford. There are many other plea numbers connected with this dower case, see chapter 7 below on Women in the Eyre.
[87] This may have been reduced to 6 acres by a view asked for by the Abbot. See **153**.
[88] See below on page 103 footnote 78 for the delaying tactics used at Westminster by the Abbot and Henry of Barford.

wealthy landowner and was one in her own right from her first marriage so she and her husband could afford to go through all these court cases to attempt to obtain what she saw as her right.

The 18 common of pasture and rights of passage of cattle and other animals cases [for example in **856** and **1074**] show the importance of animal husbandry to the ordinary free peasant. It has even been considered by Meekings that these types of pleas, together with pleas of nuisance, maybe of more importance to some individuals than those of *novel disseisin* for land[89]. This seems true when Giles de Munpincon in **1074** deforced Thomas of Risby of the use of his pasture for his pigs, and even seized his pigs, breaking an agreement made between them in the king's court. The jurors decided for Thomas so that he could pasture his pigs without let or hindrance from Giles. Giles made a further fine for one mark with Thomas[90]. Presumably, if Thomas had lost his case he might have had to sell or kill his other pigs if he could not get them to pasture to forage for food. This might have been economically disastrous for Thomas and his family if he only had a smallholding. Similarly, fishery was an important economic industry and the loss of a fishery could have a severe loss of income. James of Playford claimed damages of ten marks from Alan of Withersdale. It looks from the plea as though James won the case but the damages were not assessed[91].

Knightly and higher ecclesiastical litigants

Knights and higher ecclesiastics[92] were very much involved as litigants in the eyre. Ecclesiastical litigants, for example bishops, abbots, priors, parsons etc., took a substantial role in 64 actual actions as a plaintiff (22) or defendant (35) and a further 7 as a voucher to warranty, and in which in only 1 of the 64 actions are they contesting with fellow prelates[93]. This constitutes 6.7% of the total pleas - civil and foreign. It would be natural for the two great liberties of Ely and Bury St. Edmunds to take an active part in protecting their liberties, franchises and rights and also in the protection of the lords of their liberties. The abbot of Bury St. Edmunds takes part in 4 cases as plaintiff and 7 as a defendant and the Prior and Bishop of Ely are involved in 7 cases, 3 as a plaintiff. There is mention of other cases in the roll where high prelates are shown as defendants or plaintiffs but where the case itself was heard elsewhere [for example in **705** and **1072**][94]. In 29 other cases parsons or priests are involved in a variety of actions of which 17 are assizes of utrum, where the parson is always acting as the plaintiff. In 7 of the 29 actions the parson is shown as the defendant and he wins them all except for one, a *novel disseisin* plea where the parson, Marcellus the parson of Dalham, had disseised Adam le Grant of his tenement in Moulton[95].

There was quite a large number of knights involved in the eyre. As already seen in chapter 2 there were 180 knights identified in the Suffolk Eyre of 1240, most of which were involved as jurors in the

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[89] See Meekings, *1235 Surrey Eyre*, pp. 75, 77.
[90] See **1074** below.
[91] See **999** below.
[92] The higher ecclesiastics are Archbishops, Bishops, Abbots, Priors and Prioresses.
[93] See **1117** where the abbot of Bury St. Edmunds (plaintiff) had taken action against the Bishop of Rochester, for what we do not know, but they had obviously come to an agreement, although the plea was adjourned to Chelmsford where the chirograph would be levied.
[94] In **705** the Prior of Ely has appointed an attorney against the Abbot of Bury St. Edmunds concerning a plea of liberties. In **1072** the abbot of Bury St. Edmunds has appointed an attorney against a variety of defendants, including the Bishop and Prior of Ely concerning some franchises and replevins.
[95] See item **839** below.

grand assize, or as knights chosen to select a jury from the neighbourhood for the grand assize[96]. It is almost impossible to identify individual knights who were only involved in litigation, if they were not also acting as a juror in a grand assize, except possibly if they have a name which makes it obvious that they were from a knightly family, or perhaps from a more illustrious one, or if the roll indicates that they were knights[97]. I have identified that 37 of these administrative knights - or 20% of these knights - were involved in litigation in their own right and I have also identified 40 knights who acted as sureties for litigants for damages, fines, agreements or the amercements. Perhaps this is an indication that Suffolk's knightly class were as litigious as sometimes imagined. A good example is Hugh Burt who appears in 17 pleas in the roll, in ten of which he is acting as a knight to select a jury for a grand assize, four as a juror in a grand assize, two as a surety for an agreement and a fine, and only once as a litigant. He is the defendant in a plea of dower - **462** - but the plaintiff is only appointing an attorney and no further action is taken in the eyre. Thomas de Hemmegrave only acted once as one of the knights to select a jury and twice as a surety but he was involved as a litigant in three cases as a defendant and as a plaintiff[98]. There must have been knights present as coroners as well, although the only coroners shown are from Dunwich and they do not appear to be knights as one of them is known as Robert the Clerk and the other Gerard of Hazelwood. It is likely that other knights were present whose names were not recorded in the rolls.

Urban tenements

Most tenements mentioned in the rolls were probably scattered amongst the open fields or among the assarts of a vill, with valuable pastureland and woodland specified separately and were part of the agricultural economy of Suffolk. There is a small group of tenements mentioned in the rolls that are obviously in a 'town' and may have been used as a shop or 'town' residence. A good example is in **778** below where a toft with a building, is the subject of a deed, but the toft is obviously located in the town of Bury St. Edmunds as the street name is provided - 'Reyner Street'. A half of a market stall in Bury St. Edmunds is also subject to a dispute in **889** by David the Engineer who subsequently came to an agreement for ten marks[99]. There are ten pleas involving tenements, rent or an element of nuisance in the town of Ipswich. The rolls suggest that Ipswich had a number of tenements in its suburbs as it is where the pond lay that was the cause of the nuisance to John Prikehert and Rose Golhouck in **643** and where the court ordered it to be lowered[100].

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[96] I have calculated 148 of these knights alone.
[97] For example: Roger de Mortimer in **755**, Giles of Argentan in **255**, or members of the Bigod family, other than Roger the Earl of Norfolk, such as Ralph in **687** and **699**, or Thomas in **848**, **855** and **856**. As an example of a knight who is mentioned as such but not as a juror is Richard of Docking in **775** where he acts as a surety for the agreement of John of Congham the defendant in an assize of *novel disseisin*.
[98] See **602** (plaintiff) and **715** and **1039** (defendant).
[99] See CP 25(1) 213/16/44 where David appears to get everything he wanted including the half stall. All of this had previously been agreed but Ralph of Fakenham had broken it.
[100] The raising of the level of a pond often caused flooding to the nuisance of other local landholders, particularly if they use their land for grazing. This is spelled out more clearly in Clanchy, *1248 Berkshire Eyre*, pp. 72-73, in no.169. Also see **639**, **640**, and **642** for examples of tenements in Ipswich in dispute and **649** for an example of rent for a property in Ipswich in dispute

Adjourned actions and foreign pleas

Adjournments happened frequently and for a variety of reasons on most types of pleas, except for those of *novel disseisin* where only one is recorded. An analysis of where they were adjourned to (where known) is shown below in Table 6 below. It shows that 69% of the Suffolk pleas that were adjourned became foreign pleas by being adjourned to the next venue on the circuit, Chelmsford in Essex.

98 Suffolk pleas (12%) and 59 foreign pleas (43%) were adjourned[101]. Cases already adjourned were likely to continue to be adjourned again and again, usually because of the default of one or more parties to the dispute. 66% of adjourned cases heard in Suffolk were adjourned to the next county (Essex) in William of York's circuit by indicating that the adjournment was to Chelmsford. Others are shown as being adjourned to the other locations in the county where York made a visitation during the eyre - Cattishall and Dunwich. Sometimes they would be adjourned to the county where the case should really have taken place or to the Bench at Westminster. For a complete list see Table 6 below.

Court or County (if known)	*Total Adj. Pleas*	*% Total Adj. Pleas*	*Adj. Suffolk Pleas*	*% Adj. Suffolk Pleas*	*Adj. Foreign Pleas*	*% Adj. Foreign Pleas*
Assize[102]	4	3	1	1	3	6
Bury St. Edmunds	9	7	9	12		
Cattishall	29	23	16	21	13	25
Chelmsford	77	61	46	61	31	60
Coram Rege	2	2	1	1	1	2
Dunwich	1	1	1	1		
Hampshire	1	1			1	2
Hertfordshire	2	2			2	4
Kent	1	1			1	2
Suffolk	1	1	1	1		
Total	**127**[103]	**100**	**75**	**100**	**52**	**100**

Table 6 - Adjournment Locations

The use of adjournments is but one of the tactics of delay used by litigants and it is often the case that these actions are adjourned again and again to different counties. Twelve of the Norfolk pleas are adjourned to Chelmsford, so they have probably already been adjourned from Norfolk, through Suffolk to Essex. Unfortunately we cannot follow them there to see how well they do. However, we can follow some cases where they eventually adjourned to the Bench at Westminster in the *Curia Regis Rolls*. In the case of Geoffrey de Say and his wife Alina against the Abbot of Langley for 9 acres in Rockland in Norfolk

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[101] See Table 5 above for the Suffolk adjournments and Appendix H(i) below for the numbers of foreign pleas adjourned.
[102] This indicates that the plea was adjourned to the first assize that would come into that county.
[103] The other 30 cases are largely 'adjourned to await the age' of one of the litigants or vouchees to warranty.

the case was adjourned three times in Suffolk, once for a view and the other two times to await the vouchers to warranty. These were Henry of Barford for six of the acres, and Thomas of Moulton and Matilda his wife for the other three acres. There may have been an adjournment at Chelmsford as well but there is an indication in **1038** that it went straight to the Bench. The case can be followed in the Bench, although it appears to proceed in a languid manner in the *Curia Regis Rolls.* The Abbot claimed another view in the Bench and still has Henry of Barford as his voucher to warranty, but when the case proceeded against Henry in 1244[104] it is delayed yet again as he vouched to warranty, yet again, Thomas of Moulton and his wife Matilda. Thomas of Moulton, and Matilda his wife, who appears to be perpetually absent from all the proceedings in the Bench, are to be summoned to the Bench in the court in the county of Suffolk by the sheriff and to appear at the Bench on the octave of Holy Trinity[105]. This case and others like it could go round in circles for many years, and it had still not reached a conclusion in 1245[106].

In total, foreign pleas came to over 14% of all the items shown in the plea roll. They may involve places and litigants far from Suffolk[107]. They also add to the knowledge of how the process was operated by the various court systems and how they inter-related with each other. One hundred and three foreign pleas taken in Suffolk were the cases from Norfolk and account for 75% of the foreign pleas. Norfolk is the nearest county to Suffolk and the preceding county in the eyre circuit of William of York. It is likely that many were adjourned cases from the Norfolk eyre, although it is possible that some of the Norfolk pleas were started in Suffolk because of its proximity to Suffolk. Other foreign pleas from counties near to Suffolk account for a further 9% of which nine cases are from Essex, which is the next county in the circuit, and three cases from Cambridgeshire. Some of the places in dispute in Essex were located near to Suffolk, so it is understandable that the litigants went to Ipswich rather than down to Chelmsford[108]. The remaining 18% were spread across 14 counties most of them far from Suffolk. Fifty-nine cases (43%) of the foreign pleas were adjourned of which 50 had an adjournment venue[109].

The pardon of amercements

There are many recorded instances when amercements are levied on either party, or on both, and the vast majority of which are shown in the amercement section at the end of the plea roll[110]. I have found a total of 457 civil plea amercements in the amercement section. Amercements were made for a variety of offences; for example non-attendance of jurors and recognitors[111]. Occasionally the amercement was pardoned by the justices, usually for poverty or youth. As already indicated above a total of 43 pleas, or

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[104] This is the first instance of this case appearing in the *Curia Regis Rolls*, so it took four years from the eyre in Suffolk to get there.
[105] See *Curia Regis Rolls, 1243-1244*, edt. by P. Brand, vol. XVIII, p. 212, no 1026. It was probably adjourned to Monday 6 June 1244.
[106] This case appears in *Curia Regis Rolls, 1237-1242*, vol. XVI, p. 398 and also *Curia Regis Rolls, 1243-1244*, vol. XVIII, p. 212, no. 1026. Also, see chapter 7, pp. 102-103 below where this case and another two made by Geoffrey and Alina are discussed in relation to how women may take pleas before the royal courts and how they fared.
[107] See, for example those pleas from Cornwall, Gloucestershire, Worcestershire and Wiltshire. Of course they may have used an attorney so they did not need to travel to Suffolk.
[108] See Appendix II(iii) below for where the foreign pleas are from and **255** for an example of an Essex plea where it is logical for the litigants to go to Ipswich rather than Chelmsford. Great Maplestead is in Hinckford Hundred in Essex which is next to the Suffolk border. It is also close to the river systems giving easier access to Ipswich than the journey overland to Chelmsford.
[109] See Table 6 above.
[110] See text below, pp. 522-544 and in JUST1/818, mm. 59-60d.
[111] See Appendix J for the complete list of reasons for the amercement.

9.4% of all amercements mentioned in the roll, end with the amercement being pardoned for poverty[112]. Only 3 amercements were pardoned for youth[113]. A further 12 amercements were pardoned for no given reason and 1 was pardoned for the queen[114]. It looks as though the queen, Eleanor of Provence, was using her intercessory patronage to ensure that Alice Biccernut did not have to pay her amercement for a false claim[115]. Unfortunately, we do not get any idea as to why the queen interceded on Alice's behalf.

Conclusion

The analysis of the progress of the legal cases has demonstrated both the variety and the complexity of the cases brought before the justices in Suffolk in 1240. They illustrate the complexity of the tenurial relationships and how the various legal remedies open to the litigants depended upon these relationships. They also demonstrate the many means available to the litigant to delay the process if it was in their best interests. Analysis also throws light on the sophistication and intricacy of the various royal courts and their processes that had developed since the time of Henry II. They also indicate in a few instances the activities of the lower courts at the county, liberty and seigneurial level. It is also not surprising that the litigants pursuing or defending the claims when faced with the complexity of the rapidly developing legal system began to depend on professional lawyers to help them through the maze of the legal processes[116].

The royal justices and their clerks and records moving from place to place within the county and then subsequently to the next county in the visitation must have been to the counties a focal point for a demonstration of royal power and justice in their localities and also focused the co-operation of the king and the community. It is also no surprise that sheriffs in response to royal writs outlining the cases often failed to produce the litigants, witnesses, vouchers, recognitors and jurors at the right place and the right date. The pleas indicate that they frequently failed in producing all the required litigants, witnesses, jurors, etc. into court, especially if they are coming from distant counties. However, it is also a demonstration of the relative satisfaction with royal justice by the 177 cases of Suffolk litigants that had reached an agreement, or the 157 cases where plaintiffs, or the 174 sets where defendants won their cases, that is 62% of the Suffolk pleas. It is also a demonstration of delay or possibly being put to meaningless trouble in the 98 cases of adjournments, 67 of which would mean travelling to another county.

At the time of this Suffolk eyre the eyre system was at its height and probably at its most flexible. I think that can be seen by the level of detail in the roll. The fact that a clerk only needs to handle a reasonably small amount of data within the roll at any one time, and the fact all the plea data is contained within this one roll must make it easier to look up the information and to control the entries than the later eyres when more types of roll, and perhaps more importantly, more activities were expected of the eyre and its justices. The extra functions and data required to be maintained and kept by the clerks can be seen by the physical requirement to handle, store and access 62 membranes of parchment for all types of plea

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[112] See page 60 above.
[113] See above in chapter 3, pp. 38-39 for the process of the fiscal session at the end of the eyre.
[114] See 651 below.
[115] See J. C. Parsons, 'The Intercessory Patronage of Queens Margaret and Isabella of France', in *England in the Thirteenth Century, Volume VI*, (Boydell, 1997), p. 147 where he argues that Eleanor of Provence was very active in this regard and 'could make her wishes known to officials'.

for one justice in this eyre, compared with the 112 membranes split into Civil and Crown Pleas of one justice in the Suffolk Eyre of 1286 - an 80% increase. I have taken the total of the membranes for one of the justices that has survived - Solomon Rochester - in the Suffolk Eyre of 1286, as his rolls include all the various types of roll existing at that time, civil, crown, attorney, foreign amercements, gaol delivery and plaints. There are other rolls existing from this 1286 eyre for all the other justices.[117]. Of course, there may have been more clerks to take on the extra burden, but it is well known that as bureaucracies grow in size the more inertia sets in and the level of communication required becomes harder to achieve. Remember also, that the clerks are writing and accessing these rolls for all the justices - 6 in each eyre - so good communication between the clerks was a essential.

[116] See Brand, *Origins of the English Legal Profession*, pp. 33-42.
[117] None of the rolls for the other justices, including William of York, have survived from the Suffolk Eyre of 1240.

Chapter 5

THE ISSUES OF THE SUFFOLK EYRE 1240

The collection of money from the eyre visitations to the counties was a major source of revenue to the king. It has been estimated that upwards of £24,000 could be raised from a nation-wide visitation in the 1240s. This money would be collected over a number of years depending upon how long the visitation took and also how long it took the sheriff to collect the money[1]. The money collected from an eyre proved to be more than a lay subsidy calculated as a 30th on movables, although, of course, the bulk of the subsidy money came into the Exchequer in a year[2]. It has been calculated that the financial contribution from the eyres between 1240 and 1243 accounted for between 7.9% and 20% of the royal cash receipts in any one year[3].

It is not possible to provide a reasonably accurate figure from the Pipe Rolls for the contribution from Suffolk in this eyre, unlike other counties, for reasons I will go into below. But, the plea roll does provide separate amercement and agreement sections within the roll for both the Crown and Civil pleas[4], and these indicate that the amount expected to be collected by the sheriff was around **£650**, or about 2.7% of the estimated total revenue from an eyre[5]. This compares with about 1% of the estimated revenue from a complete eyre visitation for Surrey in 1263, or approximately £220; and 2.9% of revenue, or approximately £700 for Wiltshire in 1249. I suspect that the figure of £650 is a considerable understatement of the Suffolk account given the actual amount raised for the counties of Norfolk and Suffolk of over £2000 on the Pipe Rolls[6]. Another reason why the £650 is an understatement is that there are a number of amercements in the roll which do not have a value shown against them, and which probably meant that the amercement had still to be assessed or the clerk has made a mistake[7]. It is also possible that the clerks did not complete all the amercements because this roll was only for a junior justice and did not merit the care taken for that of the senior justice[8].There are also examples of pleas where the plaintiff has not prosecuted the plea and there is no indication of an amercement, either in the margin of the plea or in the list of amercements at the end of the roll[9]. This chapter will attempt to describe the collection of and accounting for the issues for Norfolk and Suffolk where possible and also to explain the difficulties in the way of such an analysis presented by the fact

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[1] In *1249 Wiltshire Crown Pleas*, pp. 112-113 Meekings attempted a calculation of the issues of the eyre visitation of 1246-49 where he obtained a figure of around £24,000 of which £22,000 was for the crown and £2,000 for the lords of liberties that were entitled to the profits of royal justice. Meekings also attempted a similar calculation in *1235 Surrey Eyre*, i, p. 135 for the visitation of 1234-1236 where he obtained a figure of £22,000. But it has to be noted that this potential revenue was raised in up to four years in one Eyre and three years in the case of the other.

[2] See *Red Book*, iii, p. 1064 where it records the total receipts from the thirtieth of 1237 as 33,811 marks 2s 1d, or £22540 15s 5d.

[3] See Stacey, *Politics, Policy and Finance under Henry III, 1216-1245*, p. 206, Table 6.1.

[4] See JUST1/818, mm. 56-62.

[5] See Appendix J. below for the summary of the amercements of Crown and Civil pleas. This percentage depends upon the Meekings figure being accepted as a relatively true figure.

[6] See below on page 70 and Appendix K(i) below.

[7] In membrane 60 Thomas de Hemmegrave is amerced *'pro pluribus transgressionibus'* but no amount is shown. However in the Pipe Roll he is shown as having been amerced twice for the same reason but with two different amounts - one of 2 marks and the other for 20 shillings. See Appendix K(iii)

[8] See chapter 3 above for the arguments for believing this is the roll of a junior justice.

that the sheriff reports in the Pipe Rolls for both Norfolk and Suffolk as one administrative unit and not two. It is intended also to illustrate some additional problems in the reporting of this eyre in the Pipe Roll[10].

Revenues from justice

In civil pleas litigants were amerced for a variety of reasons. Amercements consisted overwhelmingly of small penalties given to those unsuccessful litigants who made a false claim, those who did not prosecute the case and anyone convicted of an offence, including those who committed a disseisin or a trespass. For those amerced the justices could order a remand into custody of the losing litigant to put pressure on them to find sureties or to compound the amercement by making a fine. This pressure appears to have been placed more on defendants than on plaintiffs on an analysis of this roll[11]. Some 20 defendants are remanded in 11 cases and 14 plaintiffs in 13 cases. With the exception of a single case of Right all the other cases are from the possessory assizes - 14 of which are *novel disseisin*. Only 2 of these cases end with a compound of the amercement and a fine - **192** and **758**. Other people involved in the case as sureties could also be amerced if the original litigant did not prosecute[12]. The crown pleas produced even more money for the king. There could be collective fines on a community, that is a hundred, tithing or vill, for *murdrum*. *Murdrum* is a fine levied on a district where a person has been killed in that district, and the dead person could not be proved to be English and the killer could not be produced for justice to be given to him, or her[13]. There are a number of instances of *murdrum* which can definitely be assigned to Suffolk from the Pipe Rolls - the Hundreds of Carlford, Plomesgate and Colneis are fined a total of £2 each for *murdrum*[14]. In addition to this fine other collective amercements could be made for concealment, mistakes or for not making suit[15] or, if the hundred, vill or tithing responsible failed to arrest those accused of crimes and allowed them to escape. The king also received the profits of the chattels confiscated from those found guilty and the profits of the chattels of those who abjured the realm. *Bracton* indicates that the chattels of most suicides were also forfeit to the crown[16].

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[9] See chapter 6, p. 78 below.
[10] See below in the section 'Problems identified in accounting for the issues in the Pipe Rolls'.
[11] See Meekings, *Surrey Eyre*, i, p.86 for the process of remanding into custody in the Eyre.
[12] See 426 in the text where the sureties Roger Auket of Yaxley and Gilbert the Carpenter de Raudeston are amerced with the litigants, Andrew Tabbard and Avice his wife, who did not prosecute.
[13] See *Bracton*, ii, pp. 379-382 for when *murdrum* can be levied on the community and how it can be discharged.
[14] See JUST1/818 mm. 56d and 57 for their appearance on the amercement section of this eyre. NB. these items only appear on the Pipe Roll for the Michaelmas following the year in which the Suffolk Eyre is completed; that is Michaelmas 1241 and not 1240. See E372/85 m. 10.
[15] The vill of Laxfield in Hoxne Hundred is amerced £2 for not making suit - see JUST1/818 m. 57 for the amercement and m. 50 for the plea details concerning a killing not pursued.
[16] See *Bracton*, ii, pp. 423-424. He does indicate that if a man commits suicide who is not accused of a criminal offence, their heirs will not lose his chattels, but if he is the chattels are confiscated. Bracton also indicates that his goods are confiscated if he commits suicide because of 'weariness of life or because he is unwilling to endure further bodily pain' but his heirs can inherit his property. At least the chattels confiscated from suicides went to charity.

Introduction - The Issues of the Suffolk Eyre 1240

The Amercement section of this roll and the estreat

The amercement section of this plea roll that has survived displays both the crown and civil plea amercements as explained earlier[17]. Amercements for disseisin, false claim and withdrawing from an action are shown as generally being 6 shillings and 8 pence (½ mark) or 13 shillings and 4 pence (1 mark) although they could go as high as £3-6s-8d (5 marks) if the litigants were more wealthy. For example, the amercement of 5 marks was the imposition on Robert des Eschaleres[18] for his disseisin of Emma the daughter of Geoffrey in 763, although his partner in crime, Martin of Middleton, was shown in the amercement section with no actual amercement against his name. It maybe that Robert was paying for them both, or that the scribe had omitted the amercement for it to be decided later at the Exchequer. A surety is mentioned for Martin of Middleton which would normally imply that the surety was responsible for the payment if Martin failed to make payment so it is possible that the scribe has made a mistake and just omitted the amount. I suspect the latter.

There is no whole county imposition shown in the amercement section, nor any mention of one in the crown pleas section of the roll[19]. There is an imposition shown in the Pipe Roll for 50 marks *'ante judicium'*, or before judgement, for the men of the county of Suffolk[20]. It was obviously paid off in the following year because it does not re-appear in any subsequent Pipe Roll[21]. Going back to the amercements for crown pleas in the eyre roll, the hundreds follow in turn and each of them, with the exception of Mutford, Wangford, Lothingland and Loes, are amerced for *murdrum* at various rates from 30 shillings to 6 marks (£4). Only one vill is amerced for *murdrum* and that is Exning in the extreme west of the county which is amerced for 5 marks (£3-6s-8d). However, Lothingland was amerced 20 marks '*pro habendo coronatore*[22]. The variation in amercement may be because of the skill in negotiating by the hundred's representatives rather than the number of crimes committed. The lands of any liberty within the hundreds but outside the liberty itself were exempt from paying a share. Vills and individuals were each amerced in the crown pleas for one sum 'for many faults' to cover the times they had been amerced.

The collection and accounting of the issues

The sheriff was responsible for the collection of the issues and their delivery to the Exchequer. He also came personally to the Exchequer to account for those issues as part of his general account for his

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[17] See chapter 3 above pp. 36-37.
[18] There is a Robert de Eschales shown in the *Book of Fees*, ii, p. 915 as having a fee in Wetherden in Stow Hundred and there is a knight 'Robert of Scole' shown as a juror in the grand assize of the Norfolk plea in 369 below. There is no indication that these people had an interest in Lackford Hundred, which is the Hundred shown in the margin in 763.
[19] Meekings indicates that these fines were often made against the men of the county for a general or specific reason; for example 'so they shall not be troubled' or perhaps 'for a false or wrongful judgement' for a specific case in the crown pleas. See Meekings, *1249 Wiltshire Crown Pleas*, p. 113 for the various reasons that have appeared for these common fines.
[20] See E372/84 m. 8d for this common fine. There is a similar common fine in the Surrey Eyre of 1263, although there is not a Surrey amercement roll to check if there is an entry in the amercement roll. See Meekings, *Wiltshire Eyre 1249*, p. 113-114 which indicates that the fine *ante judicium* is a common fine made before the start of the eyre, and was commonly known as 'beaupleader'. It was not a popular exaction. It was subsequently banned in the Provisions of Westminster in 1259 and subsequently in the Statute of Marlborough in 1267.
[21] It must have formed part of the general lump sum payments by the sheriff. Unfortunately there is no Receipt Roll to identify these payments.

shire. The sheriff, John de Ulecote, in his account as the sheriff of Norfolk and Suffolk for the year ending at Michaelmas 1240[23], accounted for **£1,067-5s-8½d** for both Norfolk and Suffolk Eyres. From this sum a total of £82-1s-5d was deducted for authorised payments to four of the judges officiating at the eyres of Norfolk and Suffolk - see Appendix K(i) 1. below[24]. The payment is shown under the heading '*De Amerciamentis per W' de Ebor' et socios suos*' and the sheriff presented tallies as proof of payment[25]. The actual amount paid in was therefore **£989-7s-1½d.**

Some of the issues appeared as lump sum payments by the sheriff, others appeared as payments, or debts outstanding, for which named individuals, hundreds, or vills were responsible, although the sheriff was also responsible for the collection of these specified debts. A considerable number of unpaid debts were never entered onto the Pipe Roll but were resummoned from the record of outstanding debts on the estreat roll[26]. The amounts paid into the treasury by the sheriff are shown below in Appendix K(i) for the six years following for both counties and amount to a total of **£1,510-4s-2d.** To obtain a total for the Eyres of Norfolk and Suffolk then the individual amounts need to be added. These are identified in Appendix K(iii)[27] for the first six Pipe Rolls after the first mention of the amercements produced from the eyres of William of York for Norfolk and Suffolk. The total for both the amount paid in by the sheriff, and the individual payments is **£2,005-10s-3½d** for Norfolk and Suffolk. So, although the Eyre took place in Suffolk in April to June 1240 the King continued to receive revenue from the Eyre for a considerable time thereafter[28], although, as will be seen below, there are many difficulties in giving precise figures about the flow of money.

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[22] See JUST1/818 m. 57d in the amercement section and E372/85 m. 10 for the first time the amercement appears in the Pipe Roll. It is difficult to understand why they were fined 'for having a coroner' unless they were not supposed to have one but appointed one on their own authority.

[23] This does not necessarily mean that the sheriff actually accounted for this money at Michaelmas 1240 (Saturday 29 September) but when the Exchequer arranged for him to pay it. It all depended upon the schedule set by the Exchequer. The Memoranda Roll indicates when the sheriff actually accounted for the year ending at Michaelmas. See E368/13, m. 18 where it indicates that the sheriff accounted for the 24th Year of Henry III in the feast of St. Edmund in year 25; that is Tuesday 20 November 1240. As Stacy indicates the Exchequer was open all the year round by this time and it could be any time up to the summer of the following year before the Sheriff actually accounted for the year. The sheriff also had to pay in money at the Easter proffer and possibly some of the money collected from the Eyre would be included. The Easter proffer need not necessarily be paid by the sheriff in person but could be paid in by a servant or even relative. According to the Memoranda Roll E368/13, m. 13 the Easter proffer was paid in by William de Ulecote, the sheriff's son, at the close of Easter 1241. Stacey also indicates that the proceeds from the Eyre were usually paid promptly. See Stacey *Politics, Policy and Finance under Henry III, 1216-1245*, p. 204-205.

[24] See Pipe Roll E372/84 m. 8d for the revenue received into the Treasury and also for the note of the separate deductions made to the named judges. These are the authorised payments of £20 or 30 marks (same value) to the judges in the *Calendar of Liberate Rolls*, p. 463 for Henry of Bath, p. 477 for Jeremy Caxton, who did not officiate in Suffolk, and p. 487 for Gilbert of Preston and Roger of Thirkelby. These payments would have been made to judges by the sheriff before he attended his session on the warrant made in the writ indicated in the Liberate Rolls. There is a supplement of £2-1s-5d mentioned in the roll 'allocated to the same'; that is the judges; which brings the total to that paid in by the sheriff. The supplement is indicated in the Pipe Roll as being given by the Sheriff to the same judges as an addition to their expenses. Presumably when they submitted their account for payment to the sheriff they had this additional amount which the king had not had an account of when he made the order for the payment.

[25] The first time the number of tallies is mentioned is in Pipe Roll E372/87 m. 8 for this heading when a total of 21 tallies are indicated.

[26] There is a note, normally at the end of the entries relating to the eyre, showing that wholly owing debts and debts from the liberties were not listed: *debita et libertates huius itineris non sunt in rotulo.* The complete process of accounting from the Pipe Rolls is described in Meekings, 'The Pipe Roll Order of 12 February 1270' in *Studies presented to Sir Hilary Jenkinson*, edt. J. Conway Davies (Oxford, 1957), pp. 222-253.

[27] There are no additions from the Receipt Rolls as shown in Appendix K(ii) below.

[28] Stacey, *Politics, Policy and Finance under Henry III, 1216-1245*, p. 213 indicates that the king received £1500 in 1242-43 when no eyre was sitting. I have shown in Appendix K(i) that the sheriff of Norfolk/Suffolk contributed £56-14s-10½. This figure excludes the amount contributed by individuals from the Norfolk/Suffolk Eyres, which I calculate as being £107-1s-1d for the same period. Of course Stacey's figure is for all judicial receipts and would have included some money raised from amercements from those imposed on the Bench or at *coram rege*.

Introduction - The Issues of the Suffolk Eyre 1240

Some of the individual amounts on the Pipe Roll can be identified from this plea roll as belonging to Suffolk pleas. For example, Peter of Beccles is shown in this plea roll[29] as owing 25 marks for having a jury of twenty-four after he brought an action of attaint against a jury on an assize of *novel disseisin.* Peter was to pay 5 marks for the jury of appeal, and an amercement for withdrawing from this action. He is also shown as having to pay 20 marks for a fine with four sureties. None of these are found in the amercement or agreement sections of this plea roll. In the Pipe Roll, E372/84, Peter is shown as owing 15½ marks for 3 debts; 5 marks for a jury of 24 for the appeal, 10 marks for withdrawing from the plea and half a mark for an unknown debt. It also reveals that he was supposed to pay 5 marks per year. He paid nothing as shown in the Pipe Roll E372/84 (Michaelmas 1240), which would have been the first opportunity to pay part of the debt. He did make a payment of 5 marks in the next Pipe Roll[30] (Michaelmas 1241) as planned. In the following Pipe Roll[31] he pays off the remaining debt of 10½ marks[32].

Sometimes an individual appears not to pay off his debt in full and it remains on the Pipe Roll for years, even though the amount is trivial. A good example of this is that of Gilbert Maunce, who did not start paying off his debt of only a half mark until the year after the Eyre. In 1241 he paid forty pence and in the following two years he did not pay anything, but in the year 1244 he paid a further twenty pence. The remaining amount of twenty pence is not indicated in the Pipe Rolls as ever having been paid. It was still on the roll in the Pipe Roll of 1261-1262, over twenty years after the Eyre[33]!

Problems identified in accounting for the issues in the Pipe Rolls

The first obvious point to repeat is that the sheriff accounts for Norfolk and Suffolk revenues in the Pipe Rolls as though they are one entity and this continues throughout the medieval period. This is unlike other sheriffs who have responsibility for more than one county. William le Zuche, for example, was responsible for Surrey and Sussex but he accounted for the counties separately[34]. It is therefore impossible to differentiate the revenue between the counties collected by the sheriff for Norfolk and Suffolk and paid in by him as a lump sum. The sums shown in Appendix K(i) are for the lump sum amounts paid in by the sheriff of Norfolk and Suffolk from the eyres in both counties. To obtain the total revenue from the eyre for both counties it is necessary to add in the amounts paid in by the sheriff for the individuals in both counties where debts were noted separately outside the lump sum[35]. The total from the amercement section shown in Appendix J below is the only indication of the size of the revenue to be expected from this Suffolk eyre but as already remarked this seems a lot smaller than the probable figure.

The individual amounts shown in the Pipe Roll are for both counties and it would only be possible to identify the individuals and their amounts if there was an estreat, or amercement section and

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[29] See item 758 below or JUST1/818 m. 29.
[30] See E372/85, m. 10.
[31] See Pipe Roll E372/86, m. 10
[32] It indicates that he had paid and is shown as *'Quietus est'*, which is usually indicative of him having paid the amount he is supposed to owe.
[33] See E372/105 m 5.
[34] See E372/111, m. 23d and mm. 4d-5d respectively for the first time the Surrey and the Sussex Eyre of 1263 is accounted for in the Pipe Rolls. This is also discussed in Susan Stewart, *1263 Surrey Eyre*, unpublished thesis, vol. 1, pp. 103-108.

a plea roll for both counties and an extant Receipt Roll[36]. In addition, as there is a considerable overlap in the personnel taking part in both eyres it is not always possible to identify to which of these counties the amercement or fine was written in the Pipe Roll. Unfortunately, there is only a plea and amercement section for the Suffolk Eyre of 1240, those for the Norfolk Eyre not surviving. It is therefore almost impossible to determine to which county the individual items can be allocated. It has been possible to link a few amercements and fines in the Pipe Roll with the Suffolk amercements and the plea roll relating to the civil pleas and the plea numbers from the text below are shown in Appendix K(iii) below.

A further problem with the Pipe Rolls, which makes it more difficult to determine the debts that are relevant to this eyre, and therefore the revenue to be raised, is that the clerks have placed certain other debts, with the debts raised from this eyre. These extraneous debts were originally reported under separate headings in the Pipe Rolls, but the debts are eventually combined under the heading '*Amerciamenta per W. de Ebor*'[37], although sometimes they are identified with a sub-heading[38].

To add to the confusion there was a separate visitation to Norfolk and Suffolk by the Archbishop of York, Walter de Grey, and William de Cantilupe in 1242 when they were acting as regents while the king was overseas in France. The sheriff was ordered to bring all outstanding assizes before the archbishop at his first coming[39]. The Pipe Roll for 26 Henry III (E372/86) indicates that a separate estreat was prepared for these sessions in Norfolk and Suffolk as the sheriff accounted for £157-15s-10d under the heading *Amerciamenta per Archiepiscopum W. Ebor'* as well as showing 14 individual amounts shown. This separate heading for the archbishop continues until the Pipe Roll E372/89 (29 Henry III), but some of the items for the visitation of the Archbishop begin to be shown under the heading for the 1240 eyre in the roll E372/88. Thereafter things get worse, and from the roll E372/90 the entries for the Archbishop's visitation are all included under the heading *Amerciamenta per W. de Ebor'* but with the first item being a note explaining that the lump sum return of 16 shilling and 8 pence has been paid into the Exchequer by the sheriff for the 'Eyre' of Walter, the archbishop of York. It is shown as follows in the Pipe Roll:

> *'Idem vicecomes reddit compotum de xxvi solidis viii denariis de misericordiis hominum quorum nominibus proponitur littera 't' littera 'd' cum puncto super posito in rotulo de itinere W. Ebor' Archiepiscopi; Inth, liberavit, **Quietus est***[40]. This also indicates that the estreat has been marked up with 'td" for those amercements for which a payment has been made.

However, by the time of this combination the amounts being paid into the Exchequer for the items recognisably of this Eyre are negligible. The sheriff paid in only £5-13s-4d and the amount paid in by individuals, or by the sheriff on their behalf, was only £1-7s-8d. None of these extraneous items to the 1240 Suffolk Eyre has been included in the summary of the payments shown in the list of individual items in Appendix K(iii) below, or included in the totals in Appendix K(i), 10 below.

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[35] See Appendices K(iii) for the individual debts and payments into the treasury and K(i) for the total revenue below.
[36] Crook indicates that this may be possible for the visitation of 1278-1289 where there appears to be a relatively complete set of rolls for both counties. See Crook, *Records of the General Eyre*, pp. 166-168. There is a Receipt Roll for the eyre of 1278-1289.
[37] This is William of York the leading judge of this Eyre.
[38] For example in the Pipe Roll E372/85, m. 10d for 25 Henry III there are debts under the heading '*De Debitis Judeorum Inventis in Arca Cyrographorum*', which are eventually combined with the items of this Eyre in the Pipe Roll E372/88, m. 4, but under a sub-heading '*Debiti in dorsa sicut continentur in rotulo xxv*'.
[39] See *Close Rolls, 1237-1242*, p. 442.

Introduction - The Issues of the Suffolk Eyre 1240

The revenue from the Suffolk Eyre of 1240 would have been greater had there not been the two great liberties of Ely and Bury St. Edmunds in the county. Their lords could claim the issues of the eyre within their own liberties. A total of £23 was collected by the sheriff in 1242 for the liberty of Ely. This would have been paid to the lord of the liberty[41]. However, the total value of the issues for Norfolk and Suffolk is a significant portion of the total revenue raised by the complete eyre visitation - approximately 8.4% of the £24,000 total to be expected at this time. Even if the amercement section total shown in Appendix J below for the Suffolk Eyre was the same figure on the estreat roll, and as we have seen it is likely to have been smaller, then Suffolk contributed about 32% of the total raised from Norfolk and Suffolk.

Tracing the issues of the 1240 Suffolk Eyre is not an easy exercise because of the problems shown on the Pipe Roll where the combination of other items appears to make it almost impossible to determine what Suffolk contributed. It is made doubly difficult by the fact that Norfolk and Suffolk are accounted in the Pipe Roll as one entity, instead of two. It must have been just as difficult for the sheriff if he was to rely on a copy of what was in the Pipe Roll, but at least he would have a marked up copy of the amercement section to help him. However, it is likely that he relied on separate summonses for the two Eyres in helping him collect the money in the two shires.

Like all kings, Henry III required money to fulfil his ambitions. He had an ambition to recover the lands lost by King John, his father, as well as retaining the lands he still held in Gascony. Henry III made a number of attempts to recover the lost lands, one in 1230 and another in 1242-1243 both failing dismally. These and other wars in Wales during this period required a lot of money and one of the most lucrative methods to raise money was the visitations of the General Eyres. The justices also seemed to boast about how much they raised for the king; William of York boasts to his patron that he is raising 40 marks a day for the king[42]. It can therefore be stated that the eyre system was a relatively easy way to raise money for the king while still providing justice in the shires. The Eyre, proved to be relatively popular with the local populace, as far as the civil pleas were concerned, but the crown pleas were becoming burdensome to the local community. This is particularly so for the general amercements made on vills, tithing and hundreds. The eyre also allowed the king to monitor what was happening in these shires plus investigate his property rights by means of the interrogations of the juries of presentment of each hundred.

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[40] See Pipe Roll E372/90, m. 14d.
[41] See Meekings, 'The Pipe Roll Order of 12 February 1270', pp. 230-231 for how liberties are dealt within the Pipe Roll.
[42] See Meekings, 'Six letters concerning the Eyres of 1226-8', *EHR*, 65, (1950), p. 499, no. iv.

Chapter 6

VILLEINS AND THEIR EXPERIENCE IN THE SUFFOLK EYRE

The cases that we have discussed so far have been between freemen, and as we will see in more detail later, free women[1]. In East Anglia the freemen and sokemen formed the predominate classes of peasant. Bolton estimated that they came to 40 per cent of the population in 1086[2]. This chapter concerns those others who were not free or those free persons who held land in villeinage.

There are a number of features in this roll concerning villeins and lands held in villeinage. It offers evidence that, as expected, villeins were mostly in a legally inferior position to that of their lords and even relatively poor free men and women. Many villeins, or people claiming to be villeins, are mentioned in pleas concerning property, but in many of these pleas the legal inferiority of the villein in relation to his lord was endorsed by the judicial system[3]. This is particularly true of the royal courts whatever Hatcher may say about manorial custom providing protection to the unfree against the raising of rents in line with market conditions. Hatcher has also pointed out that villeins were not necessarily materially inferior to freemen. He argues that the rapid economic development that took place in the late twelfth and thirteenth centuries could make it more advantageous for peasants to hold the land in villeinage from their lords as the villeins were often paying less for their lands than those free tenants who negotiated their rents with the lord. The free tenants also had to cope with rapidly rising land values, rising food prices and the rising prices of other agrarian products[4]. Hatcher does concede that in certain counties, of which Suffolk was one, there was considerable and regular week-work to be performed by the unfree[5]. But there are also further complications, as will be shown below, the distinction between villeinage by birth and villeinage by tenure. This means that there could be a fourfold division between free and unfree land held by free and unfree tenants[6]. This chapter attempts to show what happens in the eyre court for those who have the status of villeins or hold land in villein tenure. It also demonstrates that the royal courts apply the law, as outlined in *Glanvill* and *Bracton*, to a villein, if indeed they are shown as such in the pleas.

Bracton indicates that *omnes homines aut liberi sunt aut servi*[7], but this does not indicate what constitutes a *servus*, that is a serf, a *villanus* or *nativus*, as the unfree are described in our roll[8]. *Bracton*

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[1] See chapter 7 below.
[2] See Bolton, *The Medieval English Economy*, p. 23.
[3] See *Bracton* iii, pp. 83-88 where the relationship between the villein and the lord is discussed in detail in relation to the assize of *novel disseisin* but it is also of relevance to most of the other pleas mentioned in this chapter. It recognises that the villein is within the power of his lord.
[4] See Hatcher, 'English serfdom and villeinage: Towards a reassessment, in Landlords, Peasants and Politics in Medieval England' in *Past and Present* (no. 90, 1981) pp. 14-15. Hatcher argues that this was true even though the lords burdened their villeins with additional money payments and labour services.
[5] See Hatcher, 'English serfdom and villeinage: Towards a reassessment', p. 11.
[6] See Hyams, *King, Lords, and Peasants*, pp. 107-119.
[7] See *Bracton*, ii, p. 29.
[8] The terms used in these court rolls include *nattvus* for a 'naif' or *villanus* for villein, not *servus* for serf. These are considered to be interchangeable terms for a villein. For other definitions and other terms for the *villani* see R. H. Hilton, 'Freedom and Villeinage in England', *Past and Present*, No. 31 (1965), pp. 6-10.

indicates that the criminal law protects the villein from being killed or maimed by his lord[9]. Villeins can also be identified by the obligations and services they must perform to their lord and also by the rights that lords have over their villeins. Villeins are seen as owing specific obligations, such as heavy labour service to their lord, the payment of tallage and the payment of merchet and heriot, the former to obtain leave to marry off a daughter, the latter is the death duty paid to the lord. Both *Glanvill* and *Bracton* indicated that villeins have no right to alienate the land they hold in villeinage. In fact *Glanvill*, the earlier tract by about 50 to 60 years, indicates that a villein may only go into the royal court on two separate occasions; one to prove that he is a free man, and two if a lord seeks to have his 'villein' returned to him, probably after his villein has become a fugitive and left the lord's lands[10]. In the latter case the lord would have taken out a writ *de nativo habendo*, which orders the sheriff to seek out the villein and his household etc. in his jurisdiction and to have them at the court where the matter would be decided. In fact, Christopher Dyer and other recent historians, who have commented on villeinage in England in the thirteenth century, have defined the consequence of being a villein, as 'a person denied access to the royal courts', presumably for all the various types of civil plea writs that can be exercised there[11]. They also indicate that the villein cannot avail himself of the royal courts against his lord raising rents, or if the lord ejected him from his land. The villein could not guarantee that the land he farmed be bequeathed to an heir, except with the permission of the lord; the permission being obtained by the heir[12]. In fact, it would be expected by the lord that his villeins only use the lord's court to air any grievances, which would naturally place the lord in an advantageous position. It is obvious that in many cases the villein was considered a mere chattel who could be bought and sold and apparently had little or no chance to act against his lord. *Bracton* allows the villein to have more access to a royal court, particularly where a lord has allowed the villein to hold some land as a free tenement, but there are no obvious cases of that nature in this roll[13].

As well as being unfree the villein holds land from the 'lord' in villein tenure. A free man may also hold land in villein tenure. In that case the holder may not sue against his lord or any other in the king's courts and he must perform villein services for the 'lord'. Even a free man holding land in villeinage must perform the services, but if he does willingly perform them, according to *Bracton*, he should 'not be ejected against his will'[14]. The free man could also move onto another holding outside the lord's jurisdiction if he wished. The key to tenure was its terms and two possible approaches by the courts have been discerned to determine this; one, whether the peasant customs were characteristic of villein tenure so as to be incompatible with freehold tenure and two, whether the services to be performed are of a servile type. For example, that the litigant must serve as the reeve of the lord at his

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[9] See *Bracton*, ii, p. 438.
[10] See *Glanvill*, pp. 53-58 on 'villeins' having a writ to prove they are in effect free, and pp. 141-142 on the writ for the lord to order the sheriff to effect the return of his villein.
[11] C. Dyer, 'Memories of freedom: attitudes towards serfdom in England, 1200-1350', *Serfdom and Slavery, Studies in legal bondage*, ed. M. Bush (London, Longman, 1996), p. 278. Dyer also provides a clear definition of what being a villein meant in terms of being circumscribed by the customs of the manor and of the various taxes and conditions that applied to a villein. Also see Vinogradoff, *Villainage in England*, pp. 43-88; R. H. Hilton, 'Freedom and Villeinage in England', *Past and Present*, No. 31 (1965), pp. 10-13; Miller & Hatcher, *Medieval England - Rural society and economic change 1086-1348*, pp. 112-117.
[12] Hyams, *King, Lords and Peasants*, p. 2.
[13] See *Bracton*, iii pp. 85-96 for a number of exceptions of where a 'villein' may plead in the royal assizes, particularly where the land is held in free tenement.
[14] See *Bracton*, iii, p. 107.

will[15]. *Bracton* certainly indicates that it was the performance of uncertain labour services at the lord's will that was the most important test[16]. There are a number of cases in this roll where the issue of land being held in villeinage, or not, is of importance to the success or failure of the plea.

Villeins, or those that appear in a plea where they are accused of being villeins or those that appear because the land is held in villein tenure, appear in 68 pleas out of the total of 958 pleas. Villeins can also be seen in 2 essoins out of a total of 105 essoins in the roll. This accounts for 6.6% of the total excluding attorneys[17]. This compares with 5.2% in the Berkshire Eyre of 1248[18] and 5.2% in the Wiltshire Eyre of 1249[19]. Of the 68 pleas 61 are Suffolk pleas, the remainder being foreign pleas. I think these figures are indicative of how inferior villeins are in relation to the law and the royal courts. Villeins must after all have been a sizeable proportion of landholders in Suffolk, even if lower than in the country as a whole given the number of freeholders already referred to. It is now proposed to consider the pleas involving villeins and those holding land in villeinage in the plea roll and to see how they fare.

Villeins - Naifty etc.

The royal courts had been used for a long time by lords to recover runaway serfs, but the corollary was also allowed by the accused villein to prove his 'free' status[20]. The specific writs of villeinage - *de nativo habendo* and *de libertate probanda* are 15 in number in this roll. In the first the writ is taken out by the lord claiming a person is his villein and that he has fled from him, in the second the 'villein' is trying to prove he is a free man. The writ *de libertate probanda* and *de nativo habendo* can be interlocutory. In proceedings against a claimed villein when a writ *de nativo habendo* is brought against a 'free man' demanding his arrest and handing over to his lord as a villein, the 'free man' may obtain the counter writ *de libertate probanda* to prove that he is indeed a free man[21]. Until the matter is decided the writ *de libertate probanda* appears to take precedence as *Glanvill* indicates that the 'villein' shall enjoy free status until it is 'proved' that he is a villein[22]. The writ *de libertate probanda* may also be used by a man of apparent villein status claiming to be a free man on his own initiative. *Glanvill* indicates that in this case the person must obtain leave to have the case heard in the royal court and if this is granted the man appears also to enjoy free status[23].

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[15] See Vinogradoff, *Villeinage*, pp. 81ff. *Pollock and Maitland*, i, pp. 368-376.
[16] See *Bracton*, iii, pp. 106-113 for the tests to be applied by the jury as to whether the plaintiff or defendant holds in villein tenure.
[17] See Appendix L below for an analysis of all the pleas where villeins or villeinage are an issue.
[18] See *1248 Berkshire Eyre*, calculated from the number of pleas indicated in the 'actions' in the 'Index of Pleas and Writs' and where villeinage is mentioned with a plea number in its 'Subject Index' in comparison with the total pleas - Civil and Foreign - on page cviii. The calculation for the Suffolk pleas is performed on a similar basis.
[19] See *1249 Wiltshire Civil Pleas*, calculated as above for the Berkshire Eyre.
[20] Glanvill's treatise has both of the following writs, so they had been in existence for over fifty years and the writ *de nativo habendo* might be older than this - see Van Caenegem, *Royal Writs in England from the Conquest to Glanvill*, pp. 340-343.
[21] See Van Caenegem, *Royal Writs in England from the Conquest to Glanvill*, pp. 336-344 on these two writs and their process in the king's courts.
[22] See *Glanvill*, p. 55.
[23] See *Glanvill*, p. 56.

Two of the items are essoins, the plea of one of which is finally concluded by an agreement - the essoin is in **12** and the agreement is shown in **483**[24]. Here, Humphrey the son of Osbert of Naughton is the villein and fugitive being sought by William Talbot, and Humphrey is the one who essoins. However, they come to an agreement where William concedes that Humphrey and his heirs are free men and may freely hold 15 acres of land from William in exchange for some relatively light services - two ploughings in the autumn, no doubt for William's harvest, and two days work by one of the men of Humphrey at this time. He also has to give a money rent of 8 shillings per annum and 4 hens at Christmas and 15 eggs at Easter to William. Humphrey also gave four silver marks to William to secure this agreement. Humphrey obviously feels that giving all this money and the services is better than being classed as a villein. So does William, as he is still getting some services at a critical time when the harvest of his crops would be paramount, as well as the money rent and the amount for the agreement. Humphrey does get the assistance of William and his heirs to warrant him and his heirs if their land is under threat from someone else. It must also be said, however, that William may have been unsure of his case so was willing to settle for the best he could[25]. All of the other pleas concerning writs of *de nativo habendo*, with the exception of four - **200, 330, 356** and **982**, of which more later - are in fact settled in favour of the lord. Perhaps it was wise of Humphrey to settle here, given what happened to the villein Clianus the son of Olive de Bruniford and all his household in **527** when he and his household were immediately handed over to a new lord - Peter de Bruniford. This is one of the most notable differences between the free tenant and the villein. As is shown in another Eyre, the London Eyre of 1244, 'Earls, barons and free tenants may lawfully .... sell their serfs (*rusticos*) like oxen or cows ...'[26] and, as in **527**, a lord had the right to hand his villeins over to another lord. It is not known if Thomas de Greley sold Clianus to Peter. If Clianus the son of Olive de Bruniford had been able to establish his freedom this transaction would not have been possible. His original lord, Thomas de Greley, had obviously had enough of him.

There is another agreement covering the foreign pleas **356** and **982** and **1017**, which is of interest because the plea is first adjourned in **356** to allow the sheriff, the royal officer, to get the 'villein', John Grim, from the liberty of Freebridge in Norfolk after the bailiff of the liberty had failed to do so. He obviously managed it as in **982** John Grim and Hamo of Narborough reached an agreement by mutual payment for the concord[27]. In fact John Grim, the defendant, acknowledged he had made previous covenants, as well as the chirographs, with Hamo of Narborough - see **1017** - concerning his freedom and his household and it appears that Hamo is acknowledging John's free status. But, the plea implies that in the chirographs John had to agree to his younger son Walter and his household remaining with Hamo, and who Hamo retained as his villeins. Unfortunately the chirographs have not survived to record this agreement. This is an excellent example of the sort of decisions villeins must occasionally make if they are to buy their freedom. John Grim is obviously a fairly wealthy ex villein if he actually paid to Hamo the ten marks for the privilege of purchasing his 'freedom'. It is also indicative

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[24] The agreement is detailed in CP 25(1) 213/17/116. The agreement in 483 also covers a 'Thomas the son of Roger of Naughton' but no chirograph can be found for him.
[25] See Hyams, *Kings, Lords and Peasants*, p. 165 for the advantages and difficulties of the plaintiff in pursuing *naifty*.
[26] *The London Eyre of 1244*, no 346. Also see *Casus Placitorum*, pp. 78-79 no. 20.

that John Grim acts as the surety for Hamo of Narborough for the chirograph raised in **982.** This action would normally be performed by a free man as he had now become.

The other plea, also a foreign plea, which actually goes against the lord, for now, was that of William of Bures and Eugenia his wife who did not prosecute Richard the son of William of Langham in **330.** The punishment for not prosecuting is normally that your sureties are amerced. As the 'lord' in this case had no sureties it looks as though they were pardoned the amercement, as neither William, Eugenia nor any sureties can be located in the amercements section at the end of the roll.

In **200** a decision was postponed for the lord in the plea of *nativitatis* while an attorney was appointed for Thomas de Greley against his villein Clianus de Bruniford. What is of interest here is that the attorney was appointed not in this eyre court of William of York but in the court of the other circuit headed by Robert de Lexington who was at Lincoln at this time[28]. This appointment of an attorney is a precursor to **527** where, as already shown, there is a definite indication of what could happen to a villein and his household if he fell out with his lord.

The greatest detail about how the pleas of *de nativo habendo* and *de libertate probanda* are processed is shown in **1108**; although it does not contain any references as to how a villein wins the plea of *naifty* it does contain the essence of the process itself. Hubert of Braiseworth claimed Edmund the son of Robert the Noble as his villein and provided the family tree of Edmund - amazingly scrutinising his lineage by going back four generations beyond the defendant. Hubert indicated that three of those named relations of Edmund were present in the court; Richard son of Cecilia, Hubert son of Agnes and Stephen son of Gunnilda; and all three acknowledged that they were villeins of Hubert. Hubert of Braiseworth also indicated that all the people named in this extended family - fourteen in all - had been villeins, including Edmund's mother Juliana the daughter of Edric. Edmund tried the legitimate defence of indicating that though his mother was a villein she had been freed and married to his father, Robert the Noble, who was a free man. However, Hubert produced witnesses that he had been born before the marriage, that is Edmund was a bastard, and therefore was still Hubert's villein. In the judgement of this court it was considered that Edmund had been born to an unfree mother before she was married to his father. If his father and mother had been married Edmund could have claimed that he had been born in a free woman's bed and could have taken the status of his free father. It is possible that the court may have considered him to be a bastard given the circumstances, in which case he would have taken the status of his mother, and as she was a villein he would have the same status. *Glanvill* indicates that a child of a free and unfree parent was still unfree. *Bracton* appears to modify this slightly when he identifies the specific situation as shown in this case, of an unfree woman having a child by a free father. *Bracton* indicates that so long as the child was born in wedlock and outside the villein tenement the child will be considered as of free status. But, Edmund's parents were not married when Edmund was born, so the court came to apply the law correctly[29]. The court could not give any other answer and Edmund was then considered to be the villein of Hubert.

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[27] See *Early Registers of Writs*, p. 315 for the probable writ - *non omittas propter libertatem* - used by the sheriff to get the villein 'John Grim' out of Freebridge. Also see Cam, *Liberties and Communities*, pp. 191-192 for the use of this process if the steward of the liberty failed to take action, which he obviously has done in **356.**
[28] See Crook, p. 98.
[29] *Glanvill*, v, 6, p. 58. Also *Bracton*, ii p. 30 and iii, p. 92 in an assize of *novel disseisin* implies the same.

Introduction - Villeins and Their Experience in the Suffolk Eyre

Glanvill was the first to indicate that the writ *de libertate probanda* could be used by the alleged villein and fugitive to ensure that the case reached the king's court where he could prove his status as a free man[30]. The writ according to Hyams would have been used in an interlocutory fashion after a writ of *de nativo habendo* had been issued by the 'lord', but unfortunately none of these are shown in this eyre[31]. All of the *de libertate probanda* pleas - **941, 995, 1013, 1014** and **1140** - are lost to the villein because of their failure to prosecute. We therefore do not have a good idea as to how the precise legal process was applied for both parties by the justices in this roll. In all of the above pleas the fugitives would, unless there was an agreement otherwise, have been returned to their lord and all their sureties would have been amerced, but only one plea is found in the list of amercements - **995**. This suggests either that the justices let them off during the fiscal sessions[32], or the clerks did not complete the amercements because this roll was only for a junior justice and as already pointed out did not merit the care taken for that of the senior justice.

According to *Glanvill* the villein should only appear in the royal courts for the above two types of plea, but villeins are seen in this roll in a variety of other types of plea mostly involving their land or another's land. Obviously, it is possible for someone to claim to be free and to bring a plea of any action he likes. However, if in the course of the case it is proved that they are a villein then the plea fails. In this roll there are a number of cases where plaintiffs brought cases, often those of the possessory assizes, usually *novel disseisin* and *mort d'ancestor*, and where the defendants claim them to be villeins. There are also three cases of utrum where villeins are involved, of which more below.

Villeins - Possessory Assizes, Appellate Proceedings and Dower

As *Bracton* indicates the plea of *novel disseisin* is used by a landholder who 'has been wrongfully and forcibly disseised, expelled completely or kept from the full enjoyment of his seisin'[33]. There are fourteen actions of *novel disseisin* where the plaintiffs claims they have been disseised of their land or rent, of which in seven pleas - **201, 218, 337,347, 861, 862,** and **864** - the defendant claims that the plaintiff is a villein or the land is held in villeinage. In six out of the seven pleas[34] the defendants' view is confirmed by the jury and there is an end to the action[35]. The roll does not, in five of these cases, enlighten us as to the procedure and tests outlined in *Bracton*[36]. There is one unusual element in **347**, which is that all the litigants turn out to be villeins of the same lord - Thomas de Hemmegrave - who stood surety for the plaintiff Ralph Muriel who was bringing an action of *novel disseisin* against William Muriel and Geoffrey Muriel for four acres of land. The defendants, who may be related to Ralph, claim that they are villeins of Thomas de Hemmegrave and that the land is held in villein tenure. Ralph counterclaims that he is a free man and holds the land in free tenure. The jury decides that as

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[30] *Glanvill*, v, 2, p. 54 for the writ and the procedure to be followed.
[31] Hyams, *Kings, Lords and Peasants*, p. 230.
[32] See chapter 3, p. 39 above for this process where the litigant or surety may be let off the amercement.
[33] See *Bracton*, iii, p. 245.
[34] That is with the exception of 861, for which see below on p. 81.
[35] See *Bracton*, iii, p. 102-103 where he states that if the jurors say the plaintiff is a villein 'he will take nothing by the assize'.
[36] See *Bracton*, iii p. 106 -113 which indicates that the defendant and/or the plaintiff must have kindred present to prove their status or both to let the jury decide.

Ralph is a villein and had no free tenure of the land he cannot succeed[37]. Thomas de Hemmegrave continues to be Ralph's surety for the amercement of half a mark[38]. The only explanation I can come to here is that either Thomas wanted Ralph in the land as he was not getting good services from the two defendants or that Thomas did not know that the two defendants were villeins, or even his own villeins. It is strange that Thomas did not appear to know his law concerning the limitation of litigation with and against villeins, considering he was one of Henry III's leading knights in Suffolk and a known judge of the possessory assizes[39]. Perhaps Thomas was happy for the royal court, rather than his own court, to sort out his problem, so long as he had previously given his agreement, or did he have other problems with his villeins? However, given that all the litigants were actually his villeins it should have been possible for him to give the land to whomever he wished[40].

In the sixth plea - **861** - the plaintiff, William of Tuddenham, claimed that he had been disseised of 60 acres by the defendant. In reply by the defendant - John of Coddenham - William was accused of being a villein and that the land was held in villeinage. However, the jury decided he was a free man and they proceeded to provide the details of his land held by money service and his other land held from John of Coddenham by labour service to the disseisor. The jury also indicated that the plaintiff owed no villein aids or merchet and thus they give judgement to the plaintiff William of Tuddenham. This is quite a considerable holding, even for a free tenant.

All but one of the other eight pleas of *novel disseisin* are decided for the defendant because the jury finds the plaintiffs to be villeins. As has already been seen this is enough to stop the case and for them to be in mercy. The one exception is **592** where the defendants - Seman the son of Ranulf and Roger Woolnoth - also win because the plaintiff - Richard Mariot - withdraws himself from the plea after acknowledging himself to be a villein of Roger Bigod, the earl of Norfolk, as opposed to the jurors deciding he is a villein.

There is one Norfolk foreign plea - **775** - an attaint brought against a *novel disseisin* jury- which is of interest as regards the villeins of one of the litigants in relation to the agreement made between the litigants. The agreement is probably between two free tenants, Thomas of Grimston the plaintiff, and John of Congham the defendant, as no reference is made in the plea to either of them being a villein. However, the agreement states that the villeins of John of Congham should perform a mowing in the autumn with food provided by Thomas while they are doing the work, and also the villeins are to provide a 'russia', which might be a firkin of butter or a bed of rushes, for Thomas's hayward. Presumably this is on top of the agricultural work they are to provide to John of Congham for his harvest etc. In return for these services John received his grazing rights in the common pasture of Grimston. So, even though the villeins of the defendant are not involved in the plea they must perform the labour service so that their lord can keep his pasture rights.

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[37] See footnote 33 above.
[38] See 1644 below for the amercement.
[39] See *Book of Fees*, i, p. 592 for Thomas's holding and Meekings, Notes on the *Patent Rolls* (1232-1247), *Patent Roll*: 25 Henry III, no. 990, held in a shoebox in the strong room of the PRO for the notes on Thomas acting as an assize judge in *novel disseisin*. This was in a case "taken at Bury St. Edmunds on the morrow of St. Hilary [Sunday, 14 January 1241]" on a case involving a tenement in the town of Bury St. Edmunds and which involved the abbot as one of the disseisors. This was not the first time he had appeared as one of the justices of the assize.
[40] *Bracton* indicates that if the plaintiff was a villein the true plaintiff ought to be the lord, in this case, Thomas de Hemmegrave, as the villein can possess no property in his own right, it all belongs to his lord. See *Bracton*, p. 84 for the statement that the lord should be bringing the assize.

Introduction - Villeins and Their Experience in the Suffolk Eyre

There is an indication in the roll of a similar set of reasons for the villein failing in his or her plea in assizes of *mort d'ancestor* as in the assize of *novel disseisin*; that is the plaintiff is accused of being a villein, and either proved to be a villein by the jurors or the plaintiff admits to such at the court[41]. The plea cannot therefore proceed. The plaintiff also has a problem if the defendant is proved or admits to being a villein, as the court will amerce the plaintiff for a false claim, because he should have sued the lord for the land as it belongs to him rather than to a villein. As I have already shown, a villein cannot hold land freely, it belongs to his lord, so it is from the lord that the plaintiff should receive satisfaction. There are instances in the roll where the defendant admits to being a villein[42]. In total there are 13 pleas of *mort d'ancestor* and one of *nuper obiit* where the question of the plaintiffs' villein status arises, 9 are determined for the defendant and only 1 directly for the plaintiff. In this plea - **362** - the defendant, Andrew de Ripis, tried to bring the defence that the plaintiff, Thomas the son of Benedict de Cawe, was a villein; but the jurors said he was a free man and that his father was also a free man and that Thomas was the nearest heir. Andrew and his surety are amerced.

There are two other pleas of interest - **738** and **552**. In **738** the plea ends with an adjournment to Chelmsford to await the arrival of the voucher to warranty - Andrew de Heliun - for the two defendants still left in the plea, Alice de Heliun and Geoffrey de Capella. The third defendant, Ediwa de Cornhill, admitted she was a villein of the voucher to warranty, and so the case against her was stopped immediately. It looks as though the plaintiff Ranulf the son of Walter the Palmer did not know that she was a villein when he took out his writ and so Ranulf, was amerced for a false claim as he should have brought the action against her lord, Andrew de Heliun, instead of her. The voucher to warranty - Andrew de *Helium* came to an agreement with the plaintiff at Chelmsford, and which still exists concerning the land of the other two defendants in exchange for rent and labour services of three boon days at the time of the harvest[43].

552 is a variant of a *mort d'ancestor* plea called *nuper obiit*. This is a plea where the person who held the land had recently died and the heirs are disputing the land. In this case the land is in dispute between the eldest brother and his other three brothers. Reynold the son of Walter of Carlton, the defendant, came to an agreement with the plaintiffs - Richard the son of Walter of Carlton and John and Thomas his other brothers. Reynold granted seven acres of land divided into measures of twenty-four feet to the plaintiffs along with half an acre of moorland and a money rent of two shillings from Roger Wytolf, a villein, from his service and the service of Roger's household. The interest in this case, is not that a villein was pleading or that the defendants were villeins, but that it is a pretty good example of the status of villeins in thirteenth century England; they can be handed over from one lord to another and their conditions of service altered at the whim of their lord in order to reach an agreement. This is not unlike the workers of today whose work is outsourced to another company.

In another plea of *mort d'ancestor* - **493** - the plaintiff, Matilda the daughter of Stephen Smith and the wife of Peter de Hagenet, no doubt wished that the plea rolls of the previous eyre in Suffolk did

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[41] See **238** where the jurors indicate that 'Agnes Aylwy', the mother, is a villein, and **385** where the plaintiff 'Reynold' admits that he is a villein of the Prior of Mendham.
[42] See **479** and **1071** where the defendants admitted themselves to be villeins of a lord. In **1071** the defendants William Bonard and Agnes the wife of Roger Bonard admit to being the villeins of the Abbot of Bury St. Edmunds. The plaintiff, Ailsilda the daughter of Roger, is advised to sue the Abbot for the six acres of land in Chevington, also by a writ of *mort d'ancestor*.
[43] See CP 25(1) 213/16/58 in the Public Record Office.

not exist[44], as they proved that her father was a villein and so she lost the case on that basis alone. The ironic element is that the defendant originally wanted to look at the rolls to prove that her husband had pleaded an assize of *mort d'ancestor* in that Eyre, for the same tenement land, not to prove that the father of the defendant was a villein. How unlucky can you get!

The assize of utrum determines whether the tenement in question is lay fee or held in free alms[45]. According to *Bracton* the assize determines the issues of both possession and right, so naturally any villein involved in the action as a plaintiff or defendant would automatically lose in the plea, just because they are a villein, who can have no access to the royal courts, except in the very limited circumstances we have already seen[46]. In all the three utrum pleas where the plaintiffs or defendants are villeins they lose their cases because they admit to being the villein of their lord. In **276** for example, Baldwin Loth, Alan Prest and Robert Prest plead that they are villeins of William le Rus, and William Pannel pleads he is the villein of Daniel the parson. This plea involves a total of twenty-seven defendants of which these four are villeins[47]. As the plea indicates the plaintiff Gilbert, the parson of the church of St. Nicholas of Ipswich, is in mercy for a false claim but is offered the opportunity of acting against the lords of the villeins if he wishes. Similarly, in **344** out of 8 defendants, Alvina Thedam indicates that she is a villein of Earl Richard, probably Richard of Cornwall, so the plea against Alvina is stopped and Richard the parson of Bacton, the plaintiff, is amerced for a false claim against Alvina. It is indicated that Richard could take out a separate action against Earl Richard. It would probably be prudent not to try, as he was either the King's brother, if Richard of Cornwall, and one of the most powerful and greatest landowners in England!

There is only one plea of dower - **588** - where the plaintiff's husband is identified as a villein by the jury, the plaintiff loses her plea of dower as he was not legally able to dower her as he could not have seisin of the land[48].

Villeins - Entry

There is another obvious type of plea, which it is self evident should involve a villein and that is in a writ of entry using the type of entry plea of 'alienation by villein'. The common law did not allow villeins to alienate their land. There are four pleas of entry in the plea roll, one of which is a foreign plea from Norfolk, and in two of the cases the defendant won even though the person who gave them entry is stated by the plaintiff to be a villein. This is because the jury agreed with the defendant that the person was not a villein and in fact was a free man or woman[49]. In the other two cases, one is adjourned

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[44] The previous Suffolk Eyre plea rolls from 1234-35 Eyre have not survived, so it is not possible to check the existence of the plea. But the clerks obviously found it, proving that Stephen the father of the plaintiff was a villein. See chapter 2 footnote 56 above for the problems of consulting the rolls of previous eyres.
[45] See *Bracton*, iii, p. 329 for a brief summary of this type of plea and also the limitation on being able to sue afterwards by a writ of Right if the right goes against a litigant. So, what is decided here is as *Bracton* indicates 'the pretended right'.
[46] See above pp. 76-79 for pleas of naifty and those of *'de libertate probanda'*.
[47] This plea actually covers item numbers 275-285 in the plea roll because of the way the clerk has inscribed them on the roll. The clerk has written the various paragraphs of the plea with a paragraph or section sign '¶'.
[48] There are two cases in *1256 Shropshire Eyre*, pp 44-45 & 61, where the case failed because the land is held in villeinage but in this case it is similar to those possessory assizes where the relation who is providing the land is proved to be a villein, and so could not legally provide the land as in law it was not his to give. In these cases the litigant always lose at this time.
[49] See **412** and **560** below.

until a ward comes of age. The defendant, Matilda the wife of Adam of Tuddenham, claimed she held nothing in the land except the wardship of John the son of Adam. The plaintiffs, Adam Bullok and Margery his wife, indicated that Adam had held the land in villeinage from her, but presumably he was now dead and John was his nearest heir[50]. The other plea - **323** - is slightly more interesting in that the plaintiff, Alice the wife of Roger of Burgh, tried to sue Oliver of Burgh for the land held by a Philip the Clerk in villeinage from Alice. It looks as though Alice believed that Philip had granted the land to Oliver when Philip held it in villeinage and had no right to do so[51]. Oliver won because Oliver proved he did not hold the land when Alice brought out the writ. Alice therefore sued the wrong man. She was allowed to sue the correct man, William Chauceden, if she wished. This also begs the question if William Chauceden had granted the land to Oliver before Alice knew what was happening. It does indicate that the justices were intent on applying the law as shown in *Bracton*.

There are two other pleas - **960** and **969**, which are for writs of entry but it is impossible to identify which type of entry writ the plaintiffs have issued. However, in both cases the plaintiff fails because in **960** the defendant is a villein and in **969** the mother of the plaintiff holds the land in villeinage from her lord. In both cases the plaintiff is asked to seek redress by another writ against the people who should have brought the action because a villein cannot be sued in the king's courts. It may be that the plaintiffs did not know who really held the land and brought the action against the person occupying the land to find out. It is noteworthy that they were not amerced for bringing a false claim.

Villeins: Actions of Right - Customs and Services and Villein Tenure

Bracton considered that land held in villeinage is land that 'one may recall and revoke at will, in season and out....' and as has already been seen if either the plaintiff or defendant is proved to be a villein the litigant may be barred from proceeding in the court[52]. It is therefore to the lord's advantage to prove that his opponent in litigation is a villein because by so doing he can completely control the land the villein holds, obtain the various villein taxes and obtain the performance of any labour services the lord can impose. The performance of these labour services had often been commuted to a money rent and some small elements of service. But, during the thirteenth century the lords appear to be swinging the pendulum back and trying to get these and additional services performed by their holders of villein land to increase their demesne cultivation[53]. The lord may also try to obtain a judgement that the defendant is in effect a villein by the fact that he used to perform certain identified 'villein' customs and services. The best method of getting back these ancient rights of labour services was to plead previous seisin of these customs and works. In item **332** the Prior of Weybourne is trying to seek the re-imposition of villein customs and services which he says had been withdrawn from him for two years and more. What is particularly good about this plea is that it provides a complete list of what the prior considers to be the villein services of Thomas Oldherring. They include 3 ploughings in the winter, 6 shillings rent

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[50] See **1006** below.
[51] See *Bracton*, iv, p. 36 where he indicates the writ of entry in which a villein has alienated the land held in villeinage. This is the one Alice would have raised against Oliver.
[52] See *Bracton*, iii, p. 273 for his clear definition of the lack of rights of the villein.

and food at various times of the year, including one hen at Christmas and 5 eggs at Easter, and furthermore 12 carrying services in the autumn. Unfortunately it does not provide the amount of the customary aid or the amount he would have to pay as merchet for the marriage of his daughters and sisters but all other services are detailed. Thomas wins the plea after producing a charter proving that these services were never performed by himself, or his father or grandfather, but in fact the land had been enfeoffed to his father Nicholas for eight shillings rent to cover all services. Afterwards, a jury decided in Thomas's favour that he and his ancestors had never performed the customs and services set out by the prior, but only paid the money rent of eight shilling per year as indicated by Thomas.

As has already been pointed out above in the possessory assizes section if a defendant is proved or acknowledges that he/she is a villein of a lord then the plaintiff may no longer proceed against him. As the author of the *Mirror of Justices* says the villein :

.... holds fees of their lords, it must be understood that they hold only from day to day at the will of their lords and by no certain services[54].

So from a legal point of view if a plaintiff was claiming land from a person they would need to find the real possessor of the land and whether the current tenant of the land was a villein or not before they could make a proper case. In fact, the plaintiff will be amerced for a false claim for trying to seek redress from the wrong person. The plaintiffs could take out an action against the lord of the villein if they wished to proceed. In **450** the plaintiffs Katherine[55] and Alice, her sister, were amerced because they had taken out writs against Richard Bishop, Odo Kat, Simon his brother, Roger Heved and Walter the Reeve when they were villeins. However the plea in **450** also indicates the names of the villeins' lords and states that the plaintiffs could proceed against them if they wished, but at a different time, presumably because they would have to obtain a new set of writs from the Chancery. The other seven defendants that are left in the plea went for a grand assize - in **1096** - after which the plaintiffs and the defendants came to an agreement where the plaintiffs remitted and quitclaimed all the land in question for half a mark of silver[56]. There are other similar pleas of Right in the plea roll all of which end similarly, that is the defendant admits to being a villein and the pleas are in effect ended for the plaintiff[57].

Villeins: Miscellaneous Actions & Personal Actions

Ancient demesne was the lands in the hands of the king at the time of Domesday and which may have passed out of the king's hands since but to which the tenant sokemen still held the same rights and privileges that they had when the lands passed out of the king's hands[58]. If the lords tried to impose increased rents or services then the villeins on these 'ancient demesne' manors were protected by the king and the victims of such demands could obtain aid in the king's courts by means of the writ

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[53] See M. M. Postan, 'The Chronology of Labour Services' in *TRHS* for examples of estates where commutation to a money rent was replaced by labour services or increased labour services, see pp. 183-191 and for his particular examples - and see, in particular, Glastonbury and Ramsey Abbey manors within the above pages. I think they illustrate the point very well.
[54] See *Mirrors of Justices*, p.79.
[55] I have assumed the name of Katherine as that is the name in the chirograph, whereas in the pleas **450** and **1096** she is shown as Katelina.
[56] See CP 25(1) 213/17/111 and CP 25(1) 213/17/98 for the agreements between the plaintiffs and the defendants
[57] See **933, 998, 1107** and **1119** below.
[58] See Pollock and Maitland, *History of English Law*, i, pp. 383-406.

monstraverunt. This writ is an instruction to the bailiff of the manor to do full right to the demandant 'according to the custom of the manor'[59].

There is one ancient demesne dispute in this roll, **1118**, which involved the claim that the lord was trying to exact extra customs and services on his villein tenants. This case is, I believe an additional piece of evidence of where peasants attempt to use the writ *monstraverunt* to restrain their lord and reduce their labour services or taxation to their lords, even though there is no valid claim to ancient demesne. As Dyer indicated, such use can be seen as a 'valuable insight into peasant attitudes'[60]. Dyer's idea is that peasants on such 'ancient demesne' land claimed this status to their land as they looked back to some time when the peasants had been subject directly to the king and perhaps when their services had been relatively light compared with their existing service load from their current lord.

In **1118**, the peasants had attempted to claim 'ancient demesne' to restrain their lord from claiming pannage, or the right to tax his villeins for allowing their pigs to feed on his woodland, even though in this case the wood was no longer in existence but had in fact been turned into arable land. Their lord and the defendant, William le Rus, quite rightly claimed that the land was not 'ancient demesne'. The manor of Stradbroke had originally been part of the 'honor' of Eye of Robert Malet[61] and it appears to have been given to the Rus family sometime around 1125[62]. William le Rus had succeeded to the manor in 1234 from Hugh, William's father[63].

William claimed that all of the plaintiffs were his villeins and that he could organise their payment of pannage as he wished and that they had all paid him and his ancestors suit at his manorial court. Six out of the eight eventually gave up their claim after William had offered five marks to the court to inquire into the matter. However, what is of particular interest is that the other two indicated that they were free men and that they did not owe William the villein customs, and that they also wanted a jury of sokemen rather than a jury of free men and knights. It is possible that they felt that they would not get anywhere with the normal jury of free men and knights at the royal court. As William le Rus had in effect no case to answer the two 'free' men would have to try a different route to get out of the customs and services that William was exacting from them. The eyre court appears not to countenance the idea of a jury of sokemen, and William went without day[64].

Ancient demesne may also be claimed as a defence if a plaintiff sued for land using any other writ; for example, an assize of *mort d'ancestor*; but the defendant successfully claimed that the land in dispute was ancient demesne; in which case the plaintiff loses because such writs cannot be used in ancient demesne unless the plaintiff had been enfeoffed by charters of the king or by the lord or of any of his predecessors. The land may only be claimed using the little writ of right close[65].

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[59] See Pollock and Maitland, *History of English Law*, i, p. 388.
[60] C. Dyer, 'Memories of freedom: attitudes towards serfdom in England, 1200-1350', in *Serfdom and Slavery: Studies in Legal Bondage*, edt. M. Bush (1996), p. 280.
[61] *Domesday Book - Suffolk*, Part One, 6, no. 308.
[62] *Cal. Chart. Rolls*, i, 47, when Ernald the son of Roger - sometimes known as Ernald 'Ruffus' a name form of the family 'Rus' was given the manor of Stradbroke. In plea 448 'Ernald' is shown as 'Ernulf'.
[63] *Cal. Pat. Rolls 1232-1237*, p. 43 appears to suggest Hugh was his younger brother, but in three pleas in this roll it indicates that he is William's father and that he succeeded to Hugh's lands - see 384, 407 and 448.
[64] It has not been possible to determine in what court a jury of sokemen would be involved. See Miller *The Abbey and Bishopric of Ely*, p. 225 where he indicates that sokemen had 'continued to attend its court - indeed, became burdened with the duty of doing so'. It is possible that this is the court to which the plea refers.
[65] There are a number of examples of this argument by the lord in Clanchy, *1248 Berkshire Eyre*, but see in particular p. 180, no. 424 for an assize of *mort d'ancestor* and p. 187, no 441 for an assize of *novel disseisin*. There are no such cases where ancient

Introduction - Villeins and Their Experience in the Suffolk Eyre

There is a plea of *de fine facto* - item **297** - where the father of the defendant, Richard, admits to being the villein of the Prior of Shouldham and that the prior has the seisin of the rent in question and so the defendant, Roger the son of Richard, is considered to be without day. The plaintiffs are given the opportunity to sue the Prior for the rent in question if they so wished. It is not indicated that the actual defendant is a villein but it is probably reasonable to assume he is.

The last plea concerning villeins in this roll that I shall mention is one for trespass - item **1104.** It demonstrates yet again that villeins can be turned out of their property at the whim of their lord, however justifiable. The villein of the Abbot of Bury St. Edmunds and plaintiff, Nicholas Felage, complains that he was robbed of his barley to the value of forty shillings and that Nicholas and his wife badly beaten by the defendant, Adam the son of Hervey. Adam denies the robbery and the beating but he does say that Nicholas was turned out of his house by the sergeant of the Abbot of Bury St. Edmunds and his house and his crop demised to him. However, Nicholas obviously felt sufficiently strongly to stay on with his wife given the work he had probably put in on the holding. It also looks as though he was trying to improve his land by assarting some of the land by uprooting trees. The villein also fell foul of the legal procedure that the plaintiff should first have taken his complaint before the coroner, in the court of the liberty at Bury St. Edmunds. He was offered the option of taking his case before the country; that is the jury, but it looks as though he did not fancy his chances there and so he made an agreement with the defendant for the crops that were taken. Nicholas made the best of a bad case, badly presented, but still ended up falling foul of the eyre for having come to this agreement with Adam for the crops, possibly because the court now considered that the crops belonged to Adam. He - that is Adam - subsequently made a fine for ten shillings.

Size of Holdings in Dispute Involving Villeins

There is other evidence in the roll that a villein in Suffolk may have lived on the margins of existence. The average area of land involved in the pleas where 'villeins' or 'villeinage' were mentioned in the text was only just over 8.5 acres. Although the villein may hold more land than this, because he might hold more than one tenement, it must be an indication that many villeins did not hold nearly enough land to live comfortably and so may have had to make other arrangements with their lords to make ends meet[66]. Compare this average with that shown in Appendix B(ii) for all pleas showing an amount of land in dispute. However, averages do not tell the whole story for villeins. Of the 36 pleas where the size of land is given in the plea, 20 are for 4 acres or less. The chart below provides a graphical analysis

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demesne is claimed in this fashion in this Suffolk plea roll. There are also no obvious claims using the little writ of right close for land classed as ancient demesne in this roll.

[66] This might also go some way, at a snapshot in time, to perhaps agreeing with the argument that the average size of the holdings in East Anglia were falling during the thirteenth century. Obviously further research will be required, perhaps from other eyre rolls and from manorial records from the area to determine if a pattern can be established. See M. Bailey, 'Peasant Welfare in England, 1290-1348', *Ec Hist Rev*, LI, 2 (1998), pp. 226-230 on possible strategies employed by the peasants to compensate for the fall in the holding size. Also see Dyer, *Standards of living in the later middle ages*, pp. 117, 184-185 on holding size and II. Kitsikopoulos, 'Standards of living and capital formation in pre-plague England: a peasant budget model', *Economic History Review* (LIII, 2, 2000), pp. 237-261 where he argues that a minimum peasant holding of 18 acres was required to feed a typical peasant family. See Titow, *English Rural Society*, pp. 78-80 on the size of holdings and pp. 80-90 on peasant subsistence levels and on some of the alternatives for peasants, including the surrender of holdings in return for support, and pp. 93-96 on rural poverty.

of the size of lands in dispute in Suffolk pleas where villeins are involved. There are only three pleas that involve land over 30 acres; they are **450**, **579**, and **861**.

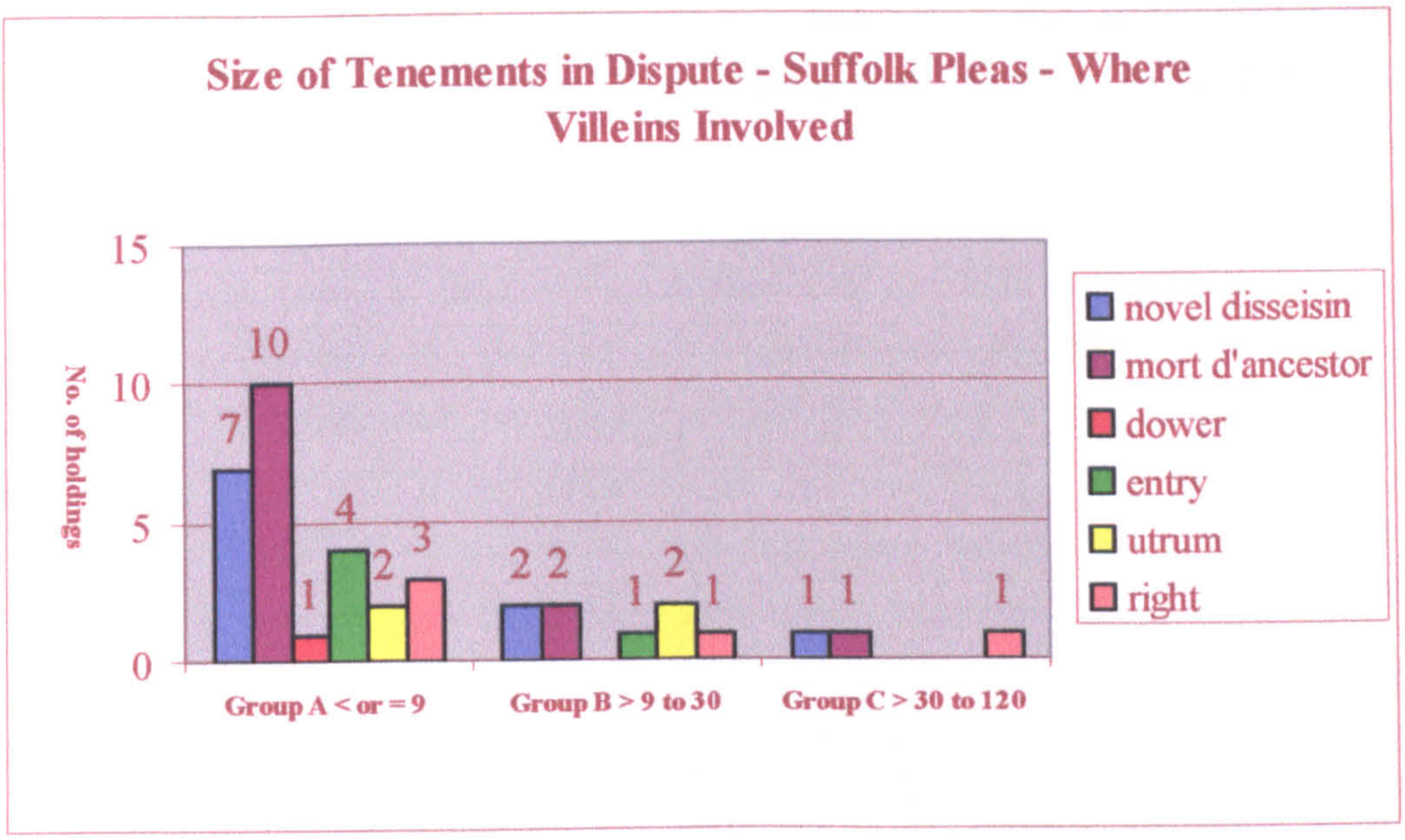

Figure 2: Size of Tenements in Disputes - Suffolk Pleas - Where Villeins Involved

I think that this demonstrates that villeins were disputing considerably smaller amounts of land than were free tenants, but this should be expected given their relative status in society.

I also agree with Hilton and Hyams[67], that villeins were not supposed to be able to plead in the royal courts, except in certain specific instances. But, of course, they claimed in the court that they were not villeins or their holding had ancient demesne status. That the villeins often initiated the action, is a good indicator of their wish to take advantage of pleading in the royal courts, where they might expect to obtain a more even handed justice than from their lord. This is also taking into account that the 'lords were troubled by the possibility that their villeins might gain access to the royal courts'[68]. As Razi and Smith also indicate 'To lose villeins in an era when their labour services were an important resource for the direct cultivation of the lord's demesne was a threat to be removed or minimised[69]. However, I do not think the lords had too much to worry about as there is enough evidence in this plea roll to show that villeins very rarely won their pleas in the royal courts. After all 39 defendants won their pleas and even in those pleas which are specifically related to villeins - *de nativo habendo* and *de libertate probanda* - the lords of the villeins are victorious in all the cases but one. This is either because the case is not prosecuted by the 'villein' or the result is a direct victory to the lord[70]. In the one case the litigants come to an agreement on what services they are to perform.

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[67] See R. H. Hilton, 'Freedom and Villeinage in England', p. 15 and Hyams, *Kings, Lords and Peasants*, pp. 266-268.
[68] See Zvi Razi and Richard M. Smith, 'The Origins of the English Manorial Rolls as a Written Record', ch. 1 in *Medieval Society and the Manor Court*, ed. Z. Razi and R. M. Smith, p. 45.
[69] See Razi & Smith, 'The Origins of the English Manorial Rolls as a Written Record', p. 45.
[70] See Appendix L below. For a view that the manorial court maybe becoming a better forum for villeins see Razi & Smith, 'The Origins of the English Manorial Rolls as a Written Record', in *Medieval Society and the Manor Court*, eds. Zvi Razi and Richard M. Smith (Oxford, 1996), pp. 36-68. They also argue that some landlords were endeavouring to make these courts also attractive

The Suffolk Eyre Roll JUST 1/818

Introduction - Villeins and Their Experience in the Suffolk Eyre

This Eyre is in the middle years of the century when Hyams indicates that there was an 'intensification of pleading and conceptual analysis of the Law' after the period of 'legal creativity'[71]. The plea roll also offers much evidence with which to make some measure of the disadvantaged position of villeins in rural society and that it looks as though the justices applied the law according to positions taken by *Glanvill* and *Bracton*. There is also good evidence from the roll that the villeins lot was not a happy one.

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to freeholders by making them a court of record. This, they argue was particularly true of the ecclesiastical landlords who had access to clerks for written agreements etc.

[71] See Hyams, *Kings, Lords and Peasants*, p. 266.

Chapter 7

WOMEN IN THE SUFFOLK EYRE OF 1240

Women, like villeins, were in many respects in an inferior position to free men in status, wealth and power in the eyre, except in some very limited types of cases, which they could initiate on their own. As a number of historians have indicated women were placed in subjection to men and it was nothing but their sex that determined this inferior position[1]. It is indicative that of the 11,662 taxpaying population in Suffolk in 1327 only 980, or 8.4 per cent, were women.[2]. It is probably safe to assume that the vast majority were widows paying tax on their dowers and inheritances as if they had a living husband; the tax return would probably be listed under the name of the husband.

This chapter will evaluate how the law and the court processes in the civil pleas affected women[3]. The crown pleas, which are not the subject of this thesis, involved women of all ages and statuses, whether as plaintiffs, defendants or victims, whereas the civil pleas only involve women of freeholder status, except where personal freedom is at issue, for which see chapter 6 on villeins for some pleas which involve 'villein' women.

This plea roll provides ample evidence that women are in an inferior position to men with regard to civil pleas in the king's courts, an inferiority enshrined in, and enforced by, law and custom. Daughters, for example, are shown as only being able to inherit property if their mother and father had no sons, for 'a woman is never called to succeed so long as any male heir survives'. It also indicates that if there are sisters, but no sons, then the property is shared between the daughters[4]. This is in contrast to where there are sons when the rule of male primogeniture applies. At least daughters held the right to inherit in such circumstances before their father's younger brothers and sisters. However, the roll also provides good evidence that when they could plead their case they often won it[5].

There is one case in the plea roll, which appears at first sight to indicate a breach to the rule of sharing an inheritance between the daughters; that is in **1149**. This *Nuper Obiit* plea was between Millicent, the daughter of Alice Shire and William Cholle and his wife Margery, who was the sister of Millicent and also the daughter of Alice Shire. Millicent claimed half of a messuage in Little

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[1] See Eileen Power, *Medieval Women*, edt by M. M. Postan (Cambridge, 1975), p. 9 and Shulamith Shakar, *The Fourth Estate*, (Methuen & Co. Ltd, 1983), p. 11.
[2] See *Lay Subsidy Roll 1327*, ed. S.H.A.Hervey, (Suffolk Green Books, No. IX, Vol. ii, Woodbridge, 1906) pp. 308-310. The percentage is slightly more than in Surrey where it was 7.7 percent - see Susan Stewart's unpublished thesis, *1263 Surrey Eyre*, vol. 1, p. 109.
[3] For an evaluation of the crown pleas in relation to women see Susan Stewart, *1263 Surrey Eyre*, vol. 1, pp. 110-115.
[4] See *Bracton*, ii, pp. 190-195. This was also the case in *Glanvill* - see *Glanvill*, VII, 3 (pp.75-76). *Glanvill* does say that the eldest daughter would receive the chief messuage. Milsom in 'Inheritance by Women in the Twelfth and Early Thirteenth Centuries', *Studies in the History of the Common Law*, pp. 240-241 indicates that the reason for the eldest daughter receiving the chief messuage was because it was the 'headquarters of the fee' and would be where the 'lord of the fee would hold court for his own tenants. It would not be allocated in dower or in *maritagium* because as the eldest sister her husband did homage to the lord of the tenement and was responsible for the whole service. The younger sister's husbands did homage to the eldest sister's husband and no doubt did some service to them.
[5] See 580 and 936 below where the defendant admitted that they had taken the land and gave it back 'willingly'. In one other plea - 249 - the defendant is able to put off the case until he comes of age.

Yarmouth[6] as her inheritance from her mother, that is her half share of the messuage. However, William and Margery claimed that Margery inherited the messuage from her father Wulfric and not from her mother, Alice[7]. If Millicent was right that the inheritance was from her mother, then this claim by William and Margery appears to be against what *Bracton* indicated concerning daughters as heirs; that is that 'the several daughters of the father or mother from whom the inheritance descends, whether they are of the father and the same mother or of the mother and the same father or different ones.... all are together heirs to the undivided whole'[8]. The parties came to an agreement and a chirograph was produced, which by its terms indicates that Millicent was right and that the messuage descended from their mother, Alice Shire, so she should have received her part share in the messuage. She subsequently quitclaimed her half messuage for twenty shillings to Margery; quite a sum for half a messuage[9]. The chirograph also implies that the judges applied the law correctly and according to *Bracton.*

A wife's dower was not always safe from alienation and as the writer of *Glanvill* pointed out it was at the disposal of the husband, even against her will. After all, he or his family provided the dower, but a woman could not alienate her dower during the lifetime of her husband[10]. And, she was restricted to what she could do after her husband's death in any alienation of the dower as she had to seek agreement of her husband's heir to any alienation of the dower land[11]. In **1157** Clarice, the widow of Gerard the son of Walter, lost her claim for her dower of half a messuage against Richard Pery, and also lost in case for another half of a messuage against Constantine Woodmouse, because her husband had sold a half messuage to them both, and with her consent. Her consent was required in this instance as this was the local customary law of the town of Dunwich as is shown in the plea. But, if she had lived elsewhere in Suffolk where a similar custom was not practised she would still have lost her land until her husband's death, but afterwards she would have been able to reclaim her land by obtaining the writ of entry, *cui in vita,* and pursuing the plea in court even if she had consented at the time of the disposal of the land[12].

Widows, in theory, were in a better position to control and take advantage of any land in their possession than an unmarried woman or wife, because they had men who controlled their interests for they would be in the control of their lord or husband respectively. Widows were, in fact, also often disadvantaged, especially if they were widows of a tenant in chief. According to *Glanvill* widows of tenants in chief had to obtain the assent of the king to remarry or to pay a fine for the privilege of not

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[6] Now 'Gorleston' in Lothingland Hundred in Suffolk and just south of Great Yarmouth.
[7] There is no indication in the plea if Wulfric was also the father of Millicent; presumably not.
[8] I presume this to be of different fathers which appears to be the implication in this case. See *Bracton,* ii, p. 194.
[9] See CP 25(1) 213/16/55.
[10] See *Glanvill,* p. 60.
[11] See Joseph Biancalana, 'Widows at Common Law: The Development of Common Law Dower', *Irish Jurist* (New Series, 23, 1988), p. 268.
[12] *Glanvill,* p. 60 also indicates that the husband can 'sell or alienate in whatever way he pleases his wife's dower during her life' and it is also stated that a woman cannot then reclaim the dower from the purchaser. However, Biancalana argues in 'Widows at Common Law', p. 284 that by the mid-thirteenth century the law on dower had changed and that the widow could sue for her dower as being a third of the land that a husband had when he married plus a third of later acquisitions. He also argues that the widow had her writ of entry, especially the writ, *cui in vita,* if her husband granted the land away. The writ's name, translated as 'whom in life' is contained within the wording of the writ, 'cui ipsa in vita sua contradicere non potuit', and which can also be seen in the first Entry plea of this type in the roll - see 249 below -. This indicates that while her husband was alive he had the complete authority to do anything with his wife's lands that came with her when she married him, or which was given her in dower when she married. See *Early Registers of Writs,* p. 99, no. 211 for the wording of the writ.

remarrying, which in the time of King John could be a very significant sum[13]. Magna Carta at least gave her the right not to be forced to remarry as long as she wished to live without a husband[14]. Of course, once she does remarry, she and all her land will come under the control of her new husband. Widows of knights or lesser freemen, as well as those of tenants in chief, often had the problem of obtaining their dowers from any surviving heirs or of obtaining her dower from lands that her husband had alienated.

A woman could act as an attorney, that is act as the representative of the plaintiff or defendant. Basilia the wife of Richard the Barber was appointed to act as his attorney in 728 in a plea of land. Unfortunately, the plea did not proceed at the Suffolk Eyre, but even if it had it was likely that as his attorney she would be able to stand in for her husband[15]. As Brand indicates, the attorney required no special legal expertise and presumably by standing in for her husband she is merely allowing the case to proceed. If her husband wanted someone to speak for him he would need a *narrator*, the forerunner of the barrister. It is likely that Basilia's husband was only too happy for her to represent him if he could not attend in person[16]. The plea mentioned above was the only one in this plea roll where a woman was potentially going to act as an attorney. This is out of a total of 156 occurrences of attorneys mentioned. There is a small number of plea rolls which have been printed and on investigating some of those, I find that this plea roll compares with nine occurrences of women attorneys in the Surrey Eyre[17] of 1263, none in the Berkshire Eyre of 1248[18], one in the Shropshire Eyre of 1256[19], one in the Gloucestershire Eyre of 1221 and two in the Warwickshire Eyre of 1221-22[20]. In these pleas a woman sometimes appoints her sister or her daughter, or a husband his wife, as in this Suffolk Eyre. The significance of this evidence is to suggest it was only as a last resort that a woman was appointed as the attorney of a litigant, whether male or female. There is no occasion in this plea roll where a woman elects to appoint another woman as her attorney[21].

Women were required to appear in court if named in a writ concerning land in which they had an interest as a freeholder unless they appointed an attorney, who would represent them in the plea. 529 women are named as taking part as a plaintiff or defendant, sometimes in more than one plea[22]. This can be compared with 2382 occurrences of men involved in 934 pleas as plaintiff or defendant. Women therefore represent 18 per cent of all the occurrences of litigants in the eyre. The women were often accompanied by men as fellow plaintiffs or defendants[23]. Perhaps the small number of women shown

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[13] *Glanvill*, p. 86 for the fact she had to pay a fine and Holt, *Magna Carta*, p. 308 and note and Waugh in *The Lordship of England*, pp. 159-160 for the amount of money raised in fines during John's reign for widows' rights to marry whomever they pleased or the right not to marry.
[14] See *Magna Carta* (1225) c. 7 in Holt, *Magna Carta*, pp. 503-504. And also see Holt, *Magna Carta*, p. 308. Waugh in *The Lordship of England*, pp. 160-161 does indicate that the Henry III did enforce his right to give consent to a re-marriage by a widow or an initial marriage by a ward, but with a substantial change in frequency and reduced rates after 1215 compared with his father and uncle - John and Richard I.
[15] Attorneys only stood in for a person, they could plead on behalf of the litigant but they could not answer to the plea.
[16] See Brand, 'The Origins of the English Legal Profession' in *The Making of the Common Law*, (London, 1992), p. 19. See Brand, *The Origins of the English Legal Profession*, p. 86 on the introduction of *narratores*.
[17] Susan Stewart, *1263 Surrey Eyre*, unpublished thesis, vol. 1, p. 115.
[18] Clanchy, *Berkshire Eyre of 1248*.
[19] Harding, *1256 Shropshire Eyre*, p. 75, plea 188.
[20] Stenton, *Rolls of the Justices in Eyre being the Rolls of Pleas and Assizes for Gloucestershire, Warwickshire and Staffordshire, 1221, 1222* (Selden Society, 59, 1940), pp. 122-123, 184, 203-204.
[21] In 58 pleas women appoint, or their husbands appoint, 63 possible male attorneys in the plea roll.
[22] See Appendix O(ii) for the table indicating the 460 total individual women involved in the 397 pleas.
[23] See pages 93-94 below for the numbers of women not being accompanied by a man.

as litigants compared with the number of men is a good indication of the limited use of the royal courts to women in obtaining satisfaction.

Women appear in a total of 397 pleas at the eyre out of a total of 943 civil and foreign pleas[24], that is 42 per cent of the total. This compares with over 55 percent in the Surrey Plea Roll of 1263[25]. Of the total of 397 pleas involving women; 12, or 3 per cent, only involve women as both plaintiff and defendant[26]. Of these 397 pleas involving women as plaintiffs or defendants 238 reach a conclusion, that is 60 per cent of the total pleas involving women. Three hundred and sixteen women litigants out of the 529 obtained a result in their pleas, not always in their favour, which is also approximately 60 per cent of the total women litigants[27]. Women can be seen as taking part in all of the types of civil plea actions as defined by Maitland[28] in this plea roll - see the figure below.

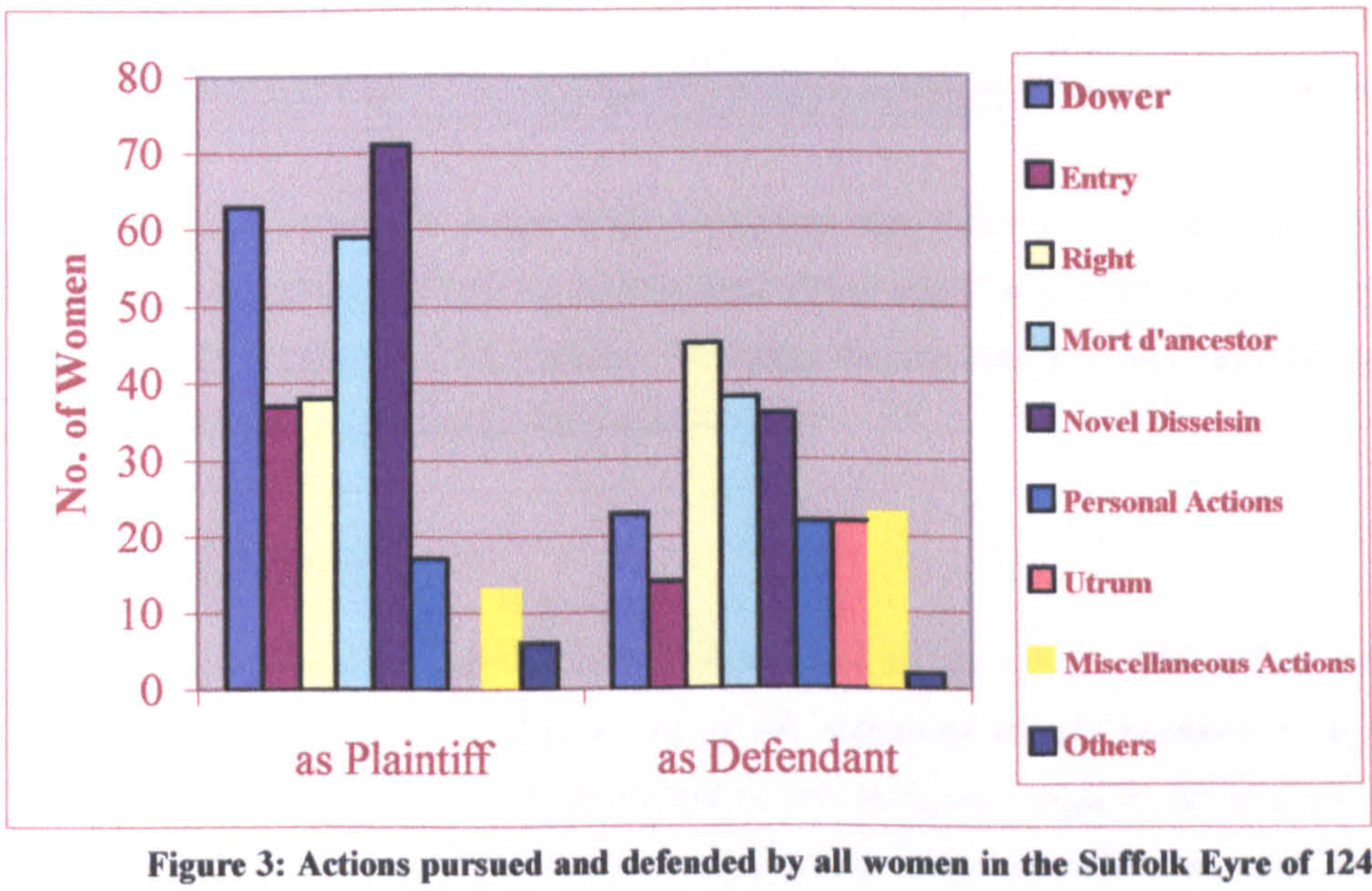

Figure 3: Actions pursued and defended by all women in the Suffolk Eyre of 1240 (all occurrences) By Action Type[29]

Women in this period were subject to their fathers, husbands and lords principally because of the land that went with them through inheritance and dower rather than through any wish of these men to control their personal activities. Women as freeholders were advantageous to their families, or to lords, as mechanisms for acquiring new land or helping to preserve land in the family[30]. It will be worth

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[24] There are a further 15 items included in the actual total of 958 'plea' items identified in the text. These include the 5 item numbers given for the kalendar of bailiffs and other officers etc of Dunwich and a further 10 items where there was either no plea discernible or only one litigant named and the scribe has subsequently failed to complete the plea. The total of 958 items is obtained by the addition of the total pleas shown in the Table 5 - Suffolk Civil Pleas in chapter 4 and Appendix H(i) - Foreign Pleas taken at the Suffolk Eyre.

[25] Susan Stewart, *1263 Surrey Eyre*, unpublished thesis, vol. 1, p. 115. There are over 4 times as many civil pleas in the Suffolk Eyre of 1240 in comparison with the Surrey Eyre of 1263.

[26] See Appendices M (i) for numbers of pleas involving women by type of action, writ and numbers of pleas where there is male involvement in the pleas with women and Appendix M (ii) for numbers of pleas involving women by type of action and indicating how they fared by showing the result of the pleas.

[27] See Appendix N for a complete breakdown of the numbers of women involved in the pleas by type of action and indicating the results of pleas involving women in the roll.

[28] See Maitland, *Bracton's Note Book*, i, pp. 177-187 for the headings.

[29] See Appendix P for a tabular form of the above histogram indicating the actual figures for the types of plea for all women litigants.

[30] For family strategies for consolidation and accumulation of land, particularly using marriage, see Waugh, *Lordship of England*, pp. 28-52 and Wilkinson, *Thirteenth-Century Women in Lincolnshire*, pp. 99-102.

looking at a few examples of actions in this plea roll rather than at the overall statistics to determine the true nature of a woman's lot.

A woman's marital status is crucial to determining her ability to influence events in the Eyre[31]. The table below indicates the total number of women who were litigants at the Eyre by their marital status. The statistics include all instances of a woman bringing or defending in more than one plea[32].

Marital Status	*Plaintiff*	*Defendant*	*Total*
Single (Spinster)	120	87	207
Widow	89	40	129
Wife	95	98	193
Total	**304**	**225**	**529**

Table 7: - Marital Status of Women (All Occurrences)

From the plea roll it has been determined that a total of 213 individual women sued or defended on their own, without the participation of any one else, in 185 pleas. Of these women, 153 were plaintiffs, comprising 77 widows, 70 single women and 6 wives, and 60 were defendants comprising 23 widows, 36 single women and 1 wife.

Single Spinster women

The apparent number of single spinster women involved as either a plaintiff or defendant is very striking in this roll. I have identified a total of 460 individual women involved in the 397 cases[33]. Of these 460 women, 180, or 39% of all women in the cases, are single as far as it can be determined. There is no indication that they are married, or have ever been married but are now widowed. The fact that a husband is not present in the plea is probably evidence enough that the litigant is single as *Bracton* indicated that a woman cannot normally plead without her husband[34]. These single women are often referred to as the 'daughter of' a named mother or father, or the father is indicated as being seized of the land in question at a particular date and his daughter or daughters are his heirs. It is possible that the woman is in fact married, or widowed, but the clerk has not so indicated, but there are plenty of other examples in the roll where the woman is identified with her husband or as being 'the wife of' or 'who was the wife of', that is widowed. This is in contrast to the Eyre of Surrey in 1263 where a similar analysis has been done where only 18% of women involved in the cases appear to be single[35].

Equally striking is the number of apparently single spinster women in Suffolk who pursued or defended an action on their own without other members of their family being present or named in the writ. I have counted a total of 106 individual single women in this plea roll, or 60% of the single

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[31] Religious women - in this plea roll, always a prioress - who have pursued pleas as either defendant or plaintiff, have been included as single spinster women.

[32] For a similar table where the multiple occurrences have been removed to provide the total actual number of women litigating as a plaintiff or a defendant and possibly appearing at the Eyre, see Appendix O(ii) below. This table also identifies the total women by their marital status. These totals are also graphically represented in the Appendix O(ii).
To see the table 7 graphically represented see Appendix O(i) below.

[33] See Appendix O(ii) below.

[34] *Bracton,* iii, p. 115.

[35] See Susan Stewart, *1263 Surrey Eyre*, unpublished thesis, vol. 1, p. 116, Table 16.

women[36], who pursued or defended actions in their own right compared with only 10 in Surrey[37]. Of these 106 women, 70 are plaintiffs and suing in their own right for their inheritance. I appreciate that this is only a comparison between two counties and that there is considerable scope for further research by looking at other eyre rolls - printed or otherwise - to ascertain which county is more out of line; or perhaps both are. Of the remaining single women identified they are suing or defending along with other people. In 35 pleas single women are involved with other members of their family; such as with their mother, father, brother or sister[38]. In another 34 pleas there is no apparent family connection[39]. One has to ask the question how these single women became independent of their families. There are hints in the roll where there are cases indicating that the woman's elder brother had died, and he had inherited the land in question, but had possibly made no provision, or had been unwilling to make provision for his unmarried sister[40]. Whether he had made provision or not it would not affect her rights as an heir or her ability to bring a plea to recover her seisin as long as there were no living brothers.

A small number of single women employed an attorney to attend the eyre instead of appearing themselves as there was always the danger of a plea being adjourned to another place, or county[41].

On the death of a father the eldest son would usually get the majority of any land as his inheritance, even if he had brothers who might be gifted land by their father. The exceptions would normally be land for his, or her, mother's dower and any sister's *maritagium*[42]. *Maritagium* is that provision of a marriage portion of land or property by a father to his daughters when they are to marry. The land would be handed over to her husband on marriage. If the daughter was in such a position then she would be a good catch for a future husband if the *maritagium* was of a good size to which he could add his own holding. But the provision of such lands may place a great strain on her natal family's resources. I have ascertained 14 cases involving *maritagium* in the roll, which vary in complexity. The *maritagium* may also be at issue at any time in the woman's life, when she is single, married or has been widowed. There are occurrences in this roll of pleas involving a woman's *maritagium* in all these phases of life.

A good example relating to single women is **450** where the two sisters, Katherine the daughter of William le Waleys and Alice her sister, claim their lands from a variety of defendants as the heirs of Alan, the brother of William their father. The plea in fact splits into two grand assizes because six of the defendants vouch to warranty Thomas of Gedding, whose plea is covered in **1096** at Cattishall, whereas in **450** and **1097** the plea continues against Roger the Breton for 8 acres of land. Both pleas

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[36] See Appendix O (ii) for the total of individual women who pursued or defended their pleas. This total in the Appendix excludes all multiple occurrences involving the same woman.
[37] See Susan Stewart, *1263 Surrey Eyre*, unpublished thesis, vol. 1, p. 116. The calculation of 10 women is mine from the information provided in the body of the page and in the footnotes.
[38] For example see **352** below where Matilda and her sister Denise sued with their mother Emma of Finesford an assize of *novel disseisin*. They succeeded as the 4 disseisors admitted the disseisin. The majority of these pleas are usually with their sisters, or with her sister and her husband. There does appear to be two cases where the sister is suing her brother - see **98** and **1015** below.
[39] For example, see **579** below where four single women along with three men defended a plea of *mort d'ancestor*. They won because the plaintiff's father had died before the term.
[40] See **853** below, where the brother Gilbert had sold off some of the land
[41] See **209, 403, 988** and **1053** for pleas taken by an attorney for single women - two of them prioresses. See **988** and **1079** for pleas adjourned to Chelmsford and Dunwich respectively. In the case of Chelmsford it was adjourned to get a defendant to appear from Lincoln and in the case of Dunwich it was to allow a view to take place.
[42] See Shulamith Shakar, *The Fourth Estate*, p. 22 and p. 62 where partible inheritance is shown as fairly widespread in East Anglia. Also see Thomas, *Vassals, Heiresses, Crusaders and Thugs: The Gentry of Angevin Yorkshire 1154-1216*, pp. 117-124 on the provision made by families for daughters either as heiresses or for a younger daughter's *maritagium*, and also for younger sons, usually by gift.

end in an agreement, although Sampson of Battisford has to put up bail for the two sisters on pain of all his lands if they default[43]. The two sisters lose the plea against Roger the Breton because their ancestor, the plea says their grandfather Robert, gave to Roger's grandfather, Robert the Breton, his stepdaughter Sabina in marriage and the eight acres of land in question - presumably as her *maritagium*. The subsequent chirographs made at Chelmsford indicates that Roger gave to them one mark for their remise and quitclaim of the land, and Thomas of Gedding similarly gives half a mark for their remise and quitclaim of the land of the six defendants for which he vouches.

The *maritagium* descended to the heirs of the daughter's body and if she had no heirs the land reverted to her natal family. However, *maritagium* need not only be given by the daughters' family but could apparently be given by her lord, or her potential husband's lord. This is in accordance with the law as perceived by *Glanvill*[44]. In **554** Juliana, the daughter of Ralph Buck, brought an assize of *mort d'ancestor* for her inheritance against Hugh the son of Eudo. Hugh vouches to warranty a certain Walter de Dufford who obviously decided to settle by arranging for the land to be classed as her *maritagium* if she married Hugh and on payment of a low rent[45]. The land was to revert to her on the death of her new husband and neither she nor her heirs would have to pay the rent thereafter. What is more she and her prospective husband get the land at a reduced service payment - from twenty six pence to sixteen pence per annum. So in this case Juliana is negotiating on her own behalf, unless there is some unseen relative helping her that the clerk does not enter here. This plea is the only one in the roll where an unmarried woman obtains her marriage portion.

There are other examples of apparently single spinster women acting in their own right without the apparent involvement of a man, whether a relative or an attorney. There are pleas in this roll of sisters, who are apparently single spinsters, combining to try to obtain their land after the death of their father or mother. For example, in **216** Amice, Agnes and Matilda Dobel plead a *mort d'ancestor* case after the death of their father, Robert Dobel, for one and a half acres against Henry de Cumpenye. The case is not concluded as Henry vouched to warranty Edmund de Kemesec who was not present and Henry was asked to get him to the next county eyre (Essex) and appear there. Unfortunately the next assize plea roll has not survived and there is no evidence of a chirograph. It must be presumed that their father only had surviving daughters, or that their brother had died, but there is no mention of a brother. An heiress might have to take action to defend her rights, particularly if her father was already dead and she had no brothers to take over responsibility for her and her future. Another example of sisters acting together is that of the two sisters Maria and Matilda, the daughters of Alan, in **851** who brought an action of *mort d'ancestor* to secure their inheritance of the tiny holdings of half an acre of land and a messuage against Rery of Hessett and succeeded in so doing.

A woman could plead on her own for her inheritance. For example, in **761** Alice the daughter of William Aylwy brought an action of *mort d'ancestor* for 3 acres and 3 roods of land and a messuage as her inheritance. An heiress might also have to defend her inheritance from litigants trying to take it away from her on her own. In **1152** it was found that Matilda Outell did not disseise Nicholas the son

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[43] See CP 25(1) 213/17/111 for **1096** with Thomas of Gedding the vouchee for the others and CP 25(1) 213/17/98 is for **450** with Roger the Breton.
[44] *Glanvill*, VII, 1, (pp. 69-70). *Glanvill* indicates that a man may 'give a certain part of his land with his daughter, or with any other woman as a marriage portion'.

of Matthew of Kelsale of her messuage and appurtenances in the town of Dunwich. She was obviously enjoying the property before the plea and unfortunately there is no indication as to what interest Nicholas had in the property. Nicholas did not come out of this too well as he was remanded in custody. So the jury at least was willing to ensure that a woman continued to enjoy her seisin of the property in the town.

A single woman was often accompanied by other members of the family in the plea. **369** is a good example. Agnes Gye[46], and her two nephews, Baldwin Rede and Richard the son of Gunnild, plead in a Writ of Right against the defendant, Richard Puleyn, originally for fourteen acres of land[47]. Richard vouched to warranty for eight of these acres and the rest of the plea only concerns the remaining six acres of land. The plea goes to a grand assize and an agreement in the plea is noted. However, in the agreement chirograph grants them only 2 acres for the payment of 4 pence per annum payable at 2 pence per term at the feast of St. Michael and at Easter[48]. Similarly a husband and wife might also act together with her sister in a joint plea of *mort d'ancestor* - see **324** - where Avelina and Mabel, the sisters, with Avelina's husband Richard of Hopton failed to prosecute the plea against a brother and sister - Henry the son of Winerys and Hawise the sister. Of course, in both these pleas the men in the case had a personal interest in its success or otherwise.

Married women

Once a woman was married she gave up her relative independence, in comparison with her status as a widow or even as a single spinster woman, because all her property and possessions were in the control of her husband. There is one plea in the roll which exemplifies this - see **646** - where Golder Hagen, the son of Edmund, and Bella his wife, tried to recover Bella's right to a third part of one messuage by means of a writ of entry - *sine assensu viri* - after she had demised it to Clement the son of Roger without her husband's assent. Unfortunately, this plea did not proceed to a conclusion. As Judith Bennett indicates 'Femaleness was defined by the submissiveness of wives who are expected to defer to their husbands in both private and public'[49].

Married women are shown in deeds and charters, as well as in this and other plea rolls[50] as associated with their husbands, and only in very rare circumstances will they plead without their husbands. 168 married women were involved in a variety of pleas with their husbands in 193 actions in the Suffolk plea roll. As already shown the wife is nearly always associated with her husband in the plea even if the land in question is her inheritance from her natal family or her *maritagium*. There are a number of actions involving *maritagium* and inheritance, which indicates how important in both the natal family and in the husband's family land strategy they could be. In **517** Margery the wife of

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[45] In this case the land is given by her 'future' husband's lord.
[46] It is not certain if the aunt is single, but there is no mention of a husband in the plea so it is assumed she was.
[47] Agnes's two dead sisters have borne the two nephews who are now claiming their inheritance as heirs of their mothers, and are acting together with Agnes to gain her right to her share of the six acres of land.
[48] See CP25 (1) 156/66/812. However, Richard might have lost in the end as on the reverse of the chirograph are the words 'William de Meyse lays a claim to the fine because he says that Richard Puleyn is his villein'.
[49] See Judith M. Bennett, *Women in the Middle English Countryside, Gender and Household in Brigstock before the Plague*, (New York, OUP, 1987), p. 6.
[50] See *Charters of the Medieval Hospitals of Bury St. Edmunds*, edt by C. Harper Bill (Boydell, SRS, 1994), no. 131, p. 100 where Guy son of Henry of St. Edmunds and his wife Avicia in a charter to the hospital of St. Peter granted them an annual quit rent of 3 pence from a toft in Bury.

William de Bosco, her husband and her sister Sarah, the daughter of Richard Burghard, tried to claim 24 acres of land from Robert Bucett as their inheritance from their father through an assize of *mort d'ancestor*. Robert was able to prove, however, that part of this land was in fact the *maritagium* of Sarah and Margery's mother Juliana, who was still living at the time. Here we have a case involving a supposed inheritance and *maritagium* within the same family. Luckily for William he was classed as poor so no amercement was levied.

Married women would not normally appear on their own in a plea[51] but in this plea roll I have found 7 instances of married women apparently appearing on their own as litigants[52]. For example, Mabel the wife of Ernulf Smackinger pleaded an assize of *mort d'ancestor* in **223**, as she was the daughter of Godwin de Ponte against Adam de Ponte, probably a relative, who indicated that he had a charter from Mabel's brother, who was the real heir, and who quitclaimed the land to Adam. She won her case when Adam admitted that her father had died within the term of the lease of the land. One other such plea is **444** in a plea of *novel disseisin*, where the wife in question, Margery the wife of John Andrew, is the defendant and not the plaintiff. There is no evidence that the husband is involved in the plea. This appears at first sight to contradict *Bracton* that a woman cannot plead without her husband, even if the plea concerns her *maritagium*.

There are three pleas, however, that appear to agree with *Bracton* that a woman cannot plead without her husband[53]. In **735**, Lucy the wife of Thomas Crowe brought an assize of *novel disseisin* but Thomas arrives after the plea has started and withdraws it. Her sureties for prosecuting are amerced, as is Thomas for the withdrawal. In the other case the defendant claims that the case cannot proceed because the woman has a husband and she cannot plead without him. This is in **1087** where Isabella the wife of Nigel brought an assize of *mort d'ancestor* for 3 acres and 1 rood of land in Fenstead on the death of her brother but William the son of Philip showed that she had a husband still living and that he ought to be present. As a result she lost but was eventually pardoned because she was poor. There is a similar result in **973** where Cecilia who was the wife of Astil of Mildenhall lost because she accepted that she had a husband.

There is one situation, however, where a wife is able to plead on her own behalf and that is where she has in effect lost her husband because he has been outlawed. There are two such cases in the roll. **300** contains a number of cases of entry for Agnes the wife of Adam the son of Robert, one of which indicates that her husband has been outlawed. She wins one of those pleas because the land was her *maritagium*. It is also interesting in **894**, the wife claims as Margery daughter of Robert of Burgh and not as Margery the wife of Herbert, who had also been outlawed and had abjured the realm. This was an assize of *novel disseisin*, which she had brought for her '*maritagium*'. This '*maritagium*' was apparently given by Alan, the father of the defendant William and not her father, Robert of Burgh. The bailiff of Lothingland had taken the land on Herbert's abjuration of the realm and had handed it over to the defendant, whereas the jury indicated that Alan had given the land to Margery for marrying her son Herbert. And so she won her case. The case does not actually indicate that the land was *maritagium*, it

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[51] Susan Stewart, *1263 Surrey Eyre*, vol. 1, p. 116 indicates that they never appeared on their own in the Surrey Eyre of 1263.
[52] It is possible there may be more if the clerk has not identified a husband in a plea. In which case I have assumed that the woman is single.
[53] *Bracton*, iii, p. 115.

may have been a gift to Margery by Alan for marrying her husband. However, the jury appear to have considered that it belonged to Margery and not her husband. This would imply that when a woman's husband abjures the realm then the wife can commence an action on her own to recover her *maritagium*, inheritance, gift or dower and becomes responsible for pleading on these lands she now holds in front of the judges itinerant, or any of the other courts.

Widows

A widow did have a certain opportunity to act independently in the courts, mostly in pleas of dower, but it could also involve a higher vulnerability to pressure and, for many women poverty. On entering her marriage a woman had a right to expect at least a third of her husband's land as her reasonable dower. There are many dower pleas in this roll where the woman is suing for a half of the land in question[54]. By this time the land had to be identified and to be assigned to her, either generally or specifically, at the church door at the time of her marriage. However, once she was widowed an heir to her husband, not necessarily her own son, would be denied a significant portion of that inheritance for the remainder of the life of the widow. This might be a problem to the heir in the provision for him and his offspring[55]. After all, a widow might live a long time after her husband. The widow might have to have recourse to the law to obtain her dower from an heir, although after 1236 in the Statute of Merton she could obtain damages where the widow had been denied her full dower[56].

A widow could take an active part in the management of her dower after she was widowed provided she did not remarry. In that event her new husband would take over the management and she would be back to square one as a married woman. The prospects of marrying a widow for the possession of her land, and thus power during his lifetime, are attractive to prospective husbands. A widow who was also an heiress to inherited land was of value to a prospective husband because once she remarried her inherited land merged with her new husband's lands to form a new patrimony, so long as she produced a son and heir as she would have a new male protector of her interests. Marriage to a widow, who also had rich dower lands, would also be of value to a prospective husband as once they were married her dower land was controlled by him until she died. Once she had died the dower land reverted to the heirs of her previous husband's family. However, there may have been scope for the second husband to try to keep the widow's lands if he could[57]. It may also be of advantage to a widow to marry again, if only to obtain some protection to run her estates[58]. She would also obtain

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[54] See *Bracton*, ii, pp. 265-280 for what constitutes dower. Biancalana argues that by the time of this Eyre the dower entitlement for a married woman was to a third of land the husband held at the time of the marriage and a third of all later acquisitions during the marriage. See Biancalana, 'Widows at Common Law', pp. 255-329. However, in the pleas of dower where a portion of the land is identified, the majority of pleas are for a half of the land. Biancalana does indicate that 'customary entitlements became re-institutionalised as legal entitlements' - see p. 329 of the above article.
[55] See J. S. Loengard, '*Rationabilis Dos*: Magna Carta and the Widow's "Fair Share" in the Earlier Thirteenth Century', in *Wife and Widow in Medieval England*, ed. S. S. Walker (Ann Arbor, 1993), pp. 237-239.
[56] See *EHD III*, no. 30, p. 352.
[57] See Waugh, *Lordship of England*, pp. 20-23 for women inheriting and pp. 23-24 on widows' dowers and p. 24 for womens' *maritagium* and the potential effects on the husband or his patrimony.
[58] See *St. Richard, Sources*, p. 162 for Friar Ralph Bocking's view of female thinking on re-marriage where he indicates that a woman re-married because she did not know how to control her dower and other lands and because she considered herself to be 'a weak and feeble woman'.

respite from other suitors! As Biancalana says 'Remarriage was no less important than marriage to the circulation of land by means of the marriage market'[59].

Caps 7 and 8 in the 1215 version of Magna Carta also allowed the widow not to remarry as well as to ensure that she could continue to enjoy her marriage portion, dower and inheritance. Cap 8 did indicate that she would need to give security to her lord that she would not remarry without the consent of her lord. These changes were continued in the later versions of Magna Carta - as in Cap 7 in the 1225 version of Magna Carta. Although not indicated in Magna Carta, the widow probably had to pay her lord a fine if she wished to remarry a husband of her own choice. The threat is there that her lands could be distrained to pay the fine if she married without the lord's permission. But it looks as though the widow was no longer harassed to marry if she did not so wish[60].

It is likely that many widows entered their dower lands without any dispute but if they did not they commenced action using the writ *unde nichil habet*[61], which unfortunately the plea roll does not directly identify, nor is there a writ file for this eyre to identify the writs concerned. Both *Glanvill* and *Bracton* indicate that this is the normal writ by which a woman would pursue her dower[62]. It is not evident from this plea roll why, in 1259 in the Provisions of Westminster, it was decreed that this writ would be given at least four days a year in the court of Common Pleas, as there are only 63 pleas of dower - 47 relating to Suffolk and 16 foreign pleas - which represents only 6.6 per cent of the total civil pleas in the roll[63]. This compares with over 20 per cent for assizes of *novel disseisin* covering both civil and foreign pleas. However, the Surrey Eyre of 1263, 4 years after the Provisions of Westminster of 1259, shows 12 per cent of pleas to be those of dower, possibly indicating that the plea needed to be pursued more frequently in the troubled times just prior to the Barons War[64].

A woman might be an heiress to a military fief at various stages in her life. A woman in control of a military fief would normally be a widow, but she could also inherit all, or part, of the inheritance if her father and brothers had died or she had no brothers and she was the nearest heir. If she was married and her husband was still living she would lose control to her husband. It is also possible that the woman was single, that is before marriage, when she inherited, but it is likely that her lord, including the king, would have an interest in marrying her off to somebody he wanted to reward

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[59] See Biancalana, 'Widows at Common Law', p. 260.
[60] See Waugh, *Lordship of England*, pp. 86-87 for examples where the king did take action against Emmeline, widow of Hugh de Lacy the earl of Ulster in Irish law and his 'persuasion' of Margaret, countess of Warwick and pp 158-161 on the levying of fine by Henry III for widows' consents to marry or for the right to marry whom they pleased. But Waugh proves that the amounts raised by Henry III was considerably reduced from that of his father, John, and his uncle Richard I as the fine was not issued as frequently.
[61] The only identifiable dower writ from the plea roll is in 524, which is one of *amensuratoris dotis*, or to measure the dower, and in which an attorney is appointed for Lettice, the wife of John the son of Robert.
[62] See *Glanvill*, VII, 18, p. 66 and *Bracton*, iii, p. 357 for the form of the writ.
[63] See *DBM*, p.143, cap 6 on the Provisions of Westminster. This provision also states that the court should give more days if they need more. Of the 16 foreign pleas 12 are from Norfolk, which was the immediate preceding county to Suffolk, and also had the same sheriff who accounted for the taxes, amercements etc and shown on the Pipe Roll. There are also 2 pleas from Kent and 1 from both Essex and Herefordshire. The court of Common pleas is the 'Common Bench'.
[64] Susan Stewart, *1263 Surrey Eyre*, vol. 1, pp. 49 and 162. I have also calculated the following percentages from the relevant tables in the printed eyre rolls that follow. Dower cases were only 6.2 per cent of all pleas in the Shropshire Eyre of 1256 - See Harding, *1256 Shropshire Eyre*, p. xxvi, 8 per cent in the Wiltshire Eyre of 1249 - see Clanchy, *Wiltshire Civil Pleas*, p. 29. But also see the Berkshire Eyre of 1248 where I have calculated 12.4 per cent of all pleas were actions of dower - see Clanchy, *1248 Berkshire Eyre*, p. cviii. Dower cases in Berkshire constitute 27 per cent of all foreign pleas. The explanation for this might be that Roger de Thirkelby's circuit was one long circuit where before Berkshire in 1248 he had visited 14 other counties whereas in this Suffolk Eyre of 1240 William of York had only visited one other county - Norfolk.

or from whom he wished to obtain money. Margery de Rivers, for example, almost certainly a widow at the time of this eyre, had an honorial fief of which part was in Suffolk[65].

There is no particular order for the actions of dower being taken in the plea roll. They do not often come consecutively but they are occasionally taken in groups. In the plea roll there is a total of 63 actions of dower for widows pursuing on their own, or in 11 of these pleas for widowed women pursuing their dower with their second (or subsequent) husbands. These are the plaintiffs in these actions. In 33 of these pleas they achieve a favourable result by agreement (6), or by judgement (27). Nine cases were dismissed as false, and twenty-four cases adjourned of which 6 cases are adjourned to Cattishall within Suffolk and 13 are adjourned to the next county in the Eyre - Essex.

Some problems encountered

Sons, or stepsons, may also sue their mother or stepmother for land but if the land was hers by right of her *maritagium* she should win the case. **815** is such a case where the son, Adam the son of Richard de Sudlington, sues his mother or stepmother - it is not certain which - Maria the widow of Richard de Sudlington, for a messuage and 30 acres by an assize of *mort d'ancestor*. He loses because according to the jury the land was her *maritagium*. Possibly as a result of this decision Adam did not pursue the other plea contained within **815** against Thomas Sorell.

The court does provide for a woman with the opportunity to win her case so long as she brings good evidence and the best witnesses. Alice the widow of William of Otley brought a writ of entry in **539** against William Fairfax for what she claimed was her *maritagium*. She won the plea because the jury considered that she had brought the 'best body of witnesses' that it was her *maritagium* and that her husband had demised the land to William Fairfax as she had claimed. This was even after William Fairfax had vouched Walter the son of William, who claimed that his father had purchased the land and had enfeoffed Walter. In this type of entry plea - *cui in vita* - the wife always claims that she is not able to contradict her husband in his lifetime for any alienation of land considered to be her *maritagium* (if it is the land of her natal family as part of the marriage settlement), inheritance or dower[66]. A better example of good evidence is **635,** where the evidence is described in detail. Agnes, the widow of William de Bruniford, claimed her right to 8 acres of land against William le Wentrer, which was demised to him by her husband, whom she could not contradict in his lifetime. William le Wentrer claimed that he had entry by his father, also William, who had been enfeoffed by Geoffrey de Mandeville, the father of Agnes, and he had a charter to prove it. The production of the charter availed him nothing because Agnes then produces the best evidence that William le Wentrer's father had lost the land through a felony and the land had escheated to Geoffrey de Mandeville. Geoffrey de Mandeville subsequently gave the land as Agnes's marriage portion to William de Bruniford, her husband. The plea unfortunately stops at the point when the jury is about to give their verdict, however,

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[65] See *Book of Fees*, i & ii, pp. 579, 914, 918 etc. On page 579 it indicates that she holds four parts of a fee in Suffolk. Her name also appears in a small number of pleas in all of which she defaults to be given another day.
[66] See *Bracton*, iv, pp. 30-34.

the chirograph is still extant and this indicates that Agnes won the day and they subsequently reached an amicable settlement[67].

'Curtesy of England' was the right of a surviving husband, after his wife's death, to hold onto the wife's *maritagium* and any inheritance so long as he lived, provided that a child had been born of the marriage and that it was capable of inheritance. The child did not, however, need to have survived the death of its mother. In this case the children from a previous marriage did not inherit their mother's lands until the death of the second husband. The husband could even marry again and still keep the *maritagium* of his first wife. If he gave the land away, or if he passed the land off as his own inheritance, then the *maritagium* might be subject to litigation after the husband's death[68].

It was therefore of particular importance to the natal family to ensure that the m*aritagium* was not totally lost to them. This is just as relevant whether the woman is single, a wife or a widow. Families developed whole strategies for acquiring land based upon their marriage alliances and acquisition through *maritagium* and inheritance could be a considerable means of realising their ambitions[69].

Eight of the tenements claimed in dower are urban properties or rent. These cases are in Ipswich, Dunwich and Yarmouth. In **1157** Clarice, who was the widow of Gerard the son of Walter, sued against two people, Richard Pery and Constantine Woodmouse, for a half of a messuage each. What is interesting about this case is that it was proved that she had sold one half messuage to Richard Pery and quitclaimed the property in the local court of the town of Dunwich. It is also interesting in the sale of the other half messuage to Constantine Woodmouse because her husband sold the land 'with the agreement and assent of the same Clarice, and it was the custom of the town that if a wife gave her 'consent' then she could not claim it back as dower. According to the plea, after her husband's death she quitclaimed the half messuage to Richard Pery in the court of the town in return for two shillings and eight pence and a coombe measure of corn [70]. The jury found in favour of both defendants and she was in mercy for a false claim. This custom could therefore be used to keep widows from claiming their dowers using a writ of entry.

The size and nature of the claims of 41 of the widows are known. The properties claimed as inheritance, *maritagium* or dower range in size from 2 carucates[71] through to as little as 0.1 of a rood for the dower pleas[72]. There are five properties over 120 acres in dispute but the vast majority of properties in dispute for dower are for very small estates. Four widows were of knightly families - Beauchamp (985), Beche (255), Colville (634), and Say (153, 475, 526, 727 and 1038). A number of

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[67] See CP 25(1) 213/17/81. Agnes won as William le Wentrer acknowledged her right to the land. He received it back from her for a rent of 3 shillings per annum payable at two terms - feast of St. Michael and Easter. He is also to pay scutage when necessary and he gave to Agnes 30 shillings sterling.
[68] See *Bracton*, iv, pp. 360-361 or *Glanvill*, VII, 18, (pp.93-94).
[69] See Waugh, *Lordship of England*, p. 34 for the Trussebut family acquiring land through marriage in Suffolk, where although Sybyl de la Falaise and her husband Baldwin de Boullers had a daughter her descendants did not inherit the *maritagium* until the wife of Baldwin's son by his second wife had died, and also pp. 49-52 for the involved family strategy of the Mohun family.
[70] 14 lbs. of corn.
[71] In Suffolk it is normally assumed that a carucate is 120 acres. See F. W. Maitland, *Domesday Book and Beyond* (Cambridge, 1897) p. 483 for his reasons for believing that a carucate is 120 acres in Norfolk and Suffolk. Also D. C. Douglas, *Social Structure of Medieval East Anglia*, p. 50.
[72] For a generalised view of the size of the holdings in pleas of dower see Appendix B to this Introduction section. This shows that 47.6% of the holdings, where a size of holding is mentioned in the text, are for holdings of less than 9 acres, 28.6% for holdings of between 10 and 33 acres, 11.9% for holdings between 33 acres and a carucate and also 11.9% for holding greater than a carucate.

widows may also have had to take out writs against several tenants in order to make up their full entitlement, for example, Margery, the widow of Henry de Kemesec, had to sue 27 different people in her writ of dower - see **224**.

A woman's dower could also be attacked if she made waste or sold or disposed of wood from her dower. Camilla of Wangford in **1054** held a wood in Willingham[73] as her dower and was entitled to take housebote and haybote from it, but according to Waleran de Muncy she wasted the wood to his detriment to the value of 20 marks. Although she pleads that all she took was housebote and haybote the jurors found that she did make waste and sell a number of alder trees so that she could repair her ploughs, but also that she did waste other trees to the value of 8 shillings and that she felled about 60 oak and ash trees. She was lucky that all she received was a warning not to make waste again.

Case Study

A good example will draw attention to some of the problems encountered by widows in the course of their actions to recover their dower and why a potentially rich dowered widow was a good catch if she could recover her dower. Alina, the wife of Geoffrey de Say, brought three writs for her dower from her dead husband Hubert de Vallibus, two are foreign pleas from the Norfolk Eyre, and one begins in this Suffolk Eyre. In the first plea, **153**, she is claiming the advowson of the church of Cringleford, located just outside Norwich, from Alexander de Vallibus and also 9 acres in Rockland from the Abbot of Langley. She met her first delay because Alexander vouched to warranty Thomas of Moulton, the son of Thomas of Moulton, and the abbot claimed a view which was given to him. She then has to wait until the court met at Cattishall. In the second plea, **475**, she suffered another delay for a rent of seventy two shillings and six pence and twenty two acres of land in Cringleford as part of her dower against a further four defendants. The defendants were Simon Peche and his wife Agnes for the rent, and William Mauclerc and William Stute for the land in Cringleford. The delay is caused by the claim for a view by the defendants. This was given to them. The final plea - **526** - is the Suffolk plea, and is perhaps the most interesting of the three. Alina is claiming one and a half carucates of land and forty shillings rent with appurtenances in Denham and the advowson of the church of Denham as her dower against the same Thomas of Moulton[74] and his wife Matilda, who was a descendant of Edward de Vallibus. Alina is also claiming that the land is contained within the manor of Surlingham which belonged to her husband Hubert and which was given to him by Robert de Vallibus, his father, as her dower. At least they get a decision in this plea, but Alina and Geoffrey would not have liked it, as judgement is given for Thomas and Matilda to retain control of the vill of Denham and the one and a half carucates and rent as the jury considers that the manor of Denham has never belonged to Surlingham since it is a '*capitalis*' manor[75].

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[73] In Wangford Hundred.
[74] This is the same Thomas vouched to warranty by Alexander de Vallibus.
[75] That is the vill of Surlingham has always been a chief manor in its own right. The vill of 'Surlingham cum Rokelund and Brandon' is in the Hundred of Henstead in Norfolk. According to *Feudal Aids 1284 - 1431*, iii, pp. 428 and 430 Surlingham's main tenant is Hubert de Moulton. The Vallibus family is also mentioned on these pages as having holdings in the vill. The Moulton family continues to have an interest at least to 1431. So it looks as though Alina loses in Surlingham as well. It is probable that this is the son of the same Thomas of Moulton who had been the chief judge in the Norfolk and Suffolk Eyre of 1234-1235 - see *Cal. Pat. Rolls*, 1234-1247, p. 77. Also, see Crook, *Records of the General Eyre*, p. 90.

Introduction - Women in the Suffolk Eyre of 1240

In **727** the roll reverts to the pleas outlined in **475** and Alina suffered further delay when through a series of vouchers to warranty two of the defendants vouched Thomas of Moulton and his wife Matilda, who is conveniently absent, but whom Thomas indicated that without her he could not vouch. This could just be an indication that some of the land might be Matilda's dower or *maritagium* or inheritance[76]. So there is further delay and the case is referred to Chelmsford in the next county in the Eyre. Unfortunately, there is no indication of a settlement in any of the Feet of Fines to this remaining set of pleas or in this plea roll. One of the defendants, the Abbot of Langley, vouched Henry of Barford and it is in the final plea, **1038**, that Alina receives nothing for her trouble, because she and Geoffrey did not turn up and in fact had already been given a day at the Bench in Westminster[77]. Through all these pleas Alina and Geoffrey had won precisely nothing. However, both Alina and Geoffrey were persistent in trying to recover the lands in question. Alina must have been a good catch to Geoffrey de Say with potentially all these lands and rents.

There is evidence in the *Curia Regis* rolls that Alina and Geoffrey eventually won one of the pleas against those mentioned in **475**. The reason is that Thomas and Matilda took it in turns not to show up at the court of the Common Bench and it looks as though that the judges in that court finally decided that Matilda was in default. The result of all this is that Alina and Geoffrey get seisin of their land and Thomas and Matilda had to compensate the others for their lost land. However, the plea where the Abbot of Langley had vouched Henry of Barford to warranty does not appear to be taken in the Common Bench until 1244. Further delay can only be expected as Henry then vouched Thomas of Moulton and Matilda his wife[78].

It can be seen from the above cases that women cannot retain total control of their lives. If widowed they could also be subject to many disputes or possible pressure to remarry, even allowing for the clause in Magna Carta indicating they should not be forced to remarry because of the attraction of their lands in dower or *maritagium*. There are many exceptions cited by *Bracton* which could be brought by, or against, a woman claiming her dower, some of which have been shown here[79].

In conclusion, as already noted in chapters one and six, there is very little on villein women's experience in the eyre court. 7 of the women in the pleas mentioned in this chapter are shown as being poor, but that is not the same as being a villein[80]. Any action identified as involving a villein woman is described in chapter six above but only in relation to how she fared as a villein and not as a woman.

The vill of Denham is in the Hoxne Hundred of Suffolk and according to *Feudal Aids 1284-1431*, v, p. 37, the main holder are the Bishops of Norwich.

[76] It is possible that she was the daughter and heir of Hugh de Vallibus. See Pitcairn, *The Story of Denham*, p. 5.

[77] In fact as far as I can see the cases transferred to the *Curia Regis* - see below.

[78] See *Curia Regis Rolls, 1237-1242*, vol. XVI, p. 398, no. 1950 and *Curia Regis Rolls 1242-1243*, vol. XVII, edt. Alexandra Nicol, p. 131 no. 650; where further delay takes place for vouchers to warranty of Thomas and Matilda. Also, p. 287, no.1476, for delay where Thomas and Matilda do not come, but their lands are distrained for them both to appear at the court, and p. 426, no. 2131; where Thomas appoints an attorney. Finally, pp. 479-480, no. 2353; where Geoffrey and Alina finally win one of their pleas. Matilda fails to appear yet again, so Geoffrey and Alina get Alina's dower lands and rents and the others can claim from lands distrained from Thomas and Matilda. But also see *Curia Regis Rolls 1243-1245*, vol. XVIII, p. 212, no. 1026; where Alina and Geoffrey are still trying to get a portion of her dower. It looks as though Thomas of Moulton is once again vouched to warranty by Henry of Barford for 5 acres of land, 3 perches and two shillings and sixpence rent in Surlingham, and he fails to appear. So it is now nearly five years beyond the end of the Norfolk/Suffolk Eyres of 1240 and it is not over yet!

[79] See *Bracton*, iii, pp. 370-398.

[80] See **209, 324, 579, 646, 853, 1087, and 1157.**

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Introduction - Women in the Suffolk Eyre of 1240

The women involved in these pleas were of freeholder status in the community and they participated in this county in only a minority of cases[81]. The number of women bringing or appearing in cases was considerably fewer than men, which is perhaps an indication of their relative power in the courts and of how they were viewed by the law. It has been thought that 'the control of property -as heiresses, landholders by their own acquisitions, joint tenants and doweresses - gave medieval women power, status and a need to be familiar with the law' and that they could be 'an active part of that pervasive legal culture'[82] From the evidence provided here I think this is an optimistic assessment and would probably only be relevant to those women who knew enough of the legal process and the law and customs to be assertive enough to obtain their rights. Women were, like men, obliged to attend the court unless represented by an attorney, and as can be seen above their involvement was no mere token presence. Women pursued their cases as diligently as did men. After all, their property and rents depended on it. However, women could not always depend on the law to help them if they are single or a widow unless they were well connected.

Marriage to an heiress, or a widow with her dower 'was highly prized' and 'was very significant in the rise of families'[83]. And, families could play the marriage game to significant effect in increasing, or losing their landholdings. But for the woman her access to her property diminished markedly when she married and for as long as her husband lived. However, the courts did allow her to pursue her rights if they were abused, albeit only to a limited extent.

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[81] Susan Stewart, *1263 Surrey Eyre*, vol. 1, p. 124 where 50 per cent of cases involved women.
[82] See Walker, 'Litigation as Personal Quest: Suing for Dower in the Royal Courts, circa 1272-1350', *Wife and Widow in Medieval England*, p. 82.
[83] See Jennifer C. Ward, *English Noblewomen in the Later Middle Ages* (Longman, 1992) p. 18.

Chapter 8

CONCLUSION

This Introduction to the Suffolk Eyre roll of 1240 began with the topography of Suffolk. It looked at the major landholders and their jurisdictional liberties. The 1240 Suffolk Eyre was placed in the context of the general eyres, particularly in the thirteenth century; its documentation was described as was how the bureaucracy was made more sophisticated during the long reign of Henry III. The Eyre in Suffolk took place in a relatively calm period in Henry III's reign compared with the turmoil at its start and his later conflict with his barons in the late 1250s and 1260s. It was the time when the king was at his most successful in obtaining money from the eyres, which contributed a considerable proportion of his income. The analysis of the records of the 1240 Suffolk Eyre reveals a rich and diverse source of the civil legal processes, of the development of the use of the writs and of administrative practice since the beginning of the thirteenth century and the time of *Glanvill*. The final chapters in this Introduction focused on the experience at the eyre of the relatively less advantaged members of medieval society; villeins and women.

In conclusion, I will discuss the effectiveness and popularity of the eyre in general and touch briefly on what happened to it during the remainder of the thirteenth century. I will also indicate the eyre's effectiveness in Suffolk in 1240 and try to suggest further potential for the study of the eyre rolls and the surrounding documentation.

Effectiveness of the Eyre

Summerson indicated that the eyre was 'the last grandest and most public of a series of courts, an occasional extension of a system in operation all the time.... which it served to regulate and to supervise'[1]. Summerson was commenting, in particular, on the crown pleas in an eyre, which is to some extent beyond the scope of this thesis. But, I think it is necessary to indicate some general impressions of the effectiveness of the crown pleas at the eyre.

The crown pleas covered a variety of 'crimes' including: criminal deaths, deaths by misadventure, appeals of felony and other miscellaneous crimes. They also included matters concerning the king's property and prerogative rights in the county. The justices were also often asked to inquire into any other matters that were of interest to the king at the time the eyre was commissioned, including the misdeeds of royal officials in the county. Most of the business in the crown pleas relates to events since the last eyre. As the last eyre in Suffolk was in 1235 it has been rightly argued that this was too infrequent to be effective, particularly in criminal cases[2]. It is possible to illustrate this by the fact that shortly after the 1240 Suffolk Eyre there was a gaol delivery at Ipswich led by Hugh Burt with three others acting as

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[1] See Summerson, 'The Structure of Law Enforcement in Thirteenth Century England', *American Journal of Legal History*, xxiii, (1979) and *Devon Eyre*, pp. xv-xx.

justices[3]. Gaol delivery continued to rise in frequency throughout the thirteenth century[4]. The gaol delivery process was complementary with the trailbaston justices after 1305, and finally after 1330 was subsumed within the assize circuits as set up by the Statute of Northampton in 1328[5]. Criminal pleas and delivery of the gaols were heard by the trailbaston justices on defined circuits and with a greatly reduced set of *capitula*[6]. The eyre did have the virtue of being a royal court, and the thoroughness with which it reviewed and examined all criminal activity in the county since the last eyre, made it a court of public record. There tended to be another aspect of the eyre, which appeared to predominate, that is its concentration on errors and omissions as grounds for amercements of the various levels of community; tithing, hundred or even the county. The heavy exaction on the hundreds, boroughs and tithings, sometimes for relatively trivial offences, were not popular in the localities but they made an excellent contribution to the king's coffers, often through the years when the eyre was not sitting[7]. The crown pleas potential contribution to the Exchequer can be contrasted with the amounts raised from the civil pleas in their respective amercement rolls for Suffolk. The amercement rolls indicate that the crown pleas contributed almost twice as much as the civil pleas[8]. However, the eyres did involve an overall supervisory function beneficial to the maintenance of royal rights, correct procedure, the attempt to stamp out corruption and abuse and to arrange formal contact between the centre and the localities.

At the time of this eyre it has been shown that the eyre had overarching jurisdiction as the king's court and could hear all types of plea. It was also proving to be an effective way of achieving speedy results for the litigants once an issue was put to the court[9]. As can be seen from the analysis of the Suffolk civil pleas[10] most of the pleas reached some form of conclusion (62%) either for the plaintiff or defendant or the litigants reached an agreement. It has been argued that the majority of the pleas where the litigant did not prosecute or withdrew from the plea implied some sort of settlement out of court rather than an error by the plaintiff. In that case the measure of a result in this 1240 Suffolk Eyre court rises by possibly a further 22% for Suffolk pleas. What can also happen is that the record of the agreement is entered into the plea roll, sometimes in addition to a chirograph being produced. There are 47 such enrolled agreements for Suffolk in this plea roll along with the 127 chirographs identified as being made for pleas made in this eyre[11]. These are then part of the written record and may be used by the litigants in later cases.

The civil plea side of the eyre continued to be popular in Suffolk as can be seen by the volume of civil pleas in this eyre. There were a total of 821 pleas taken at the eyre for Suffolk alone, almost twice as

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[2] See Crook, 'The later eyres', *EHR*, p. 246, where Crook identifies the mechanisms that eventually took over from the eyre in the later thirteenth century, although he points out that some of these mechanisms had started considerably earlier in the century often as a set of judicial commissions between eyres.

[3] Hugh Burd, or 'Burt' appears in many pleas where a grand assize is called. He is often shown as one of the electors of a jury for a grand assize; for example see 980 below. The other three in the commission would also be knights. This gaol delivery is shown in Patent Rolls - Meekings Notes, in the shoebox in the strong room at the PRO, 22 Henry III, C66/48, etc. no. 963 in 25 Henry III, or 28 Oct. 1240 - 27 Oct. 1241 for the possessory assizes and gaol deliveries made between 1238-1242.

[4] See Pugh, *Imprisonment In Medieval England*, pp. 258-261 on the increasing frequency of gaol deliveries and commissions during the rein of Henry III and the first part of Edward I's reign to 1285.

[5] See Pugh, *Imprisonment In Medieval England*, pp. 278-284.

[6] See Cam, 'Studies in the Hundred Rolls', p. 75.

[7] See David Crook, 'The later eyres', *EHR*, 97 (1982), p. 247.

[8] See Appendix J below.

[9] See chapter 4 above for a variety of delaying tactics before the issue was even put to the court - particularly pp. 46-48 on essoins. But, there could also be delays by taking the issue through other courts from the lord's court to the county court as well as the other King's courts at Westminster.

[10] See chapter 4, Table 5, p. 50 above for the analysis.

many items as in the crown pleas. This was pretty quick and efficient justice given that the Eyre in Suffolk sat for only 23 days[12]. Of course, if a litigant wanted to settle a dispute they had to go to the eyre at this time as the central royal courts of the Bench or *coram rege* suspended their sittings until the eyre visitations had been completed. It was to the litigants advantage to have their case in front of the royal justices at the eyre, or the central courts, if the case came to an agreement, or the judgement was to one of the litigants, as the royal court may have been considered as the court of record in comparison to the local courts at this time. This is not to say that a local person did not consider that the local courts were useful to him or her, after all, a judgement made in your lord's court or the county court might prove as beneficial as one made by the royal court against your lord, particularly for villeins[13]. However, from 1249 the importance of the eyre for civil pleas was diminished in the mid-thirteenth century partly because the central courts continued to sit while the eyre was in progress. The regular holding of the central civil plea court - the Bench - at Westminster had become firmly established and it remained in existence during the first two years of Edward I's reign and from then onwards it only transferred writs and pleas to the Eyre if one was pending. Therefore litigants had a choice as to where they took their plea but, perhaps more importantly, the litigants needed only to go to the one court and not to travel around the country chasing the eyre if there were significant delays and adjournments in their case. This eventually led to the decline and eventual disappearance of the foreign pleas in the counties as the judges were no longer allowed to adjourn a plea outside the county where the property in dispute lay.

The eyre maybe seen as a point of focus for the local community given that over 6000 people probably attended the eyre at one or more of the three locations in the county where the justices sat; although some, possibly the majority, would be there compulsorily. It would also be a demonstration of royal supervision over many in the county. Also, almost 4,000 people were actively involved in the civil pleas, and attempting to find a solution to their various problems concerning their lands[14]. The sheer number of litigants must be seen as measure of the eyre's popularity at this time in the thirteenth century. The plea roll shows how the assizes were used for litigation over very small pieces of land and although a long, and perhaps impossible, task to establish the social position of litigants there is an impression that many were small landholding freemen. Therefore the common law was now also bringing wider sections of society into the royal courts.

The major reason for the decline of the eyre on the civil pleas side is probably similar to that of the crown pleas and that is that other processes were developed. These were of two types, firstly, as we have already seen, was the introduction of judges who could hear the possessory assizes between the

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[11] Occasionally the details of the agreement are shown in both the plea roll and the chirograph; for example see 909 below.
[12] See chapter 2, p. 24 for the calculation of the total number of sitting days at the eyre. I calculate the justices are dealing with, on average, 36 cases per day.
[13] See G. Lapsley, 'The Court, Record and Roll of the County in the 13th Century', *Law Quarterly Review*, li (1935), pp. 299-325 for a discussion on whether the county court was a court of record and the usefulness of obtaining a judgement there. Also see Milsom, *Historical Foundations of the Common Law*, pp. 6-8 on the fact that the county court would be the regular court for any normal litigation. Also see Palmer, *The County Courts of Medieval England 1150-1350*, Appendix IV, pp. 315-317 for the writs that could be pleaded in the County Court. For the manorial courts see, *Sel. Cases Manor. Courts*, pp. lxxiii-clxvii where they investigate the benefits of pleading in the manorial court for land held by customary tenure by villeins, and even free tenants. They look in particular at cases involving inheritance of customary land, conveyancing the land from one 'owner' to another, administration of estates, guardianship and marriage etc. It has to be noted that the majority of tenants, even in Suffolk, would be villein at this time and the manorial court was all that was open to them - although see chapter 6 above to see how villeins could, or could not, use the royal courts. They also argue that the lords did not often use arbitrary justice in the manorial court but relied on custom.
[14] See Chapter 2, pp. 25-26 above for the calculation of these figures.

eyres, that is the litigants could call between eyres to settle a dispute in the locality rather than at the Bench. These led eventually to the second, that is hearing all types of civil pleas and litigation at regular and relatively frequent assize circuits. They were originally established in 1273, and although the arrangement gradually fell apart, a new system was set up by the statute of Westminster II in 1285 and by the statute *De justiciariis assignatis* in 1293[15]. So by the end of the thirteenth century there were other mechanisms in place that were more frequent than the Eyre process and had eventually become more acceptable to the local seigneurie and knights in the counties. Although by the end of the thirteenth century other processes in place eyres continued to take place at the same time and when they did take place they continued to hear a huge number of civil plea cases.

The Eyre as an event was therefore being replaced by other structures for criminal and civil litigation, which removed the need for a general Eyre *ad omnia placita* in the provinces; and in fact 'was inessential to the functioning of legal administration in England'[16].

The Eyre during the reign of Henry III had become a regular occurrence for the counties, the only exception to its regularity being around the time of the Barons' War when the king caused a disruption to the proceedings. Even then, however, there was a special set of Eyres sent out to redress the grievances of the barons, which were set out in their council of November 1259[17]. This Eyre was postponed and a general Eyre put in its place - the uncompleted Eyre of 1261-1263 - when the issue of the seven year rule and the outbreak of the war caused it to be abandoned[18]. The Eyres resumed after the war for what became Henry III's last Eyre of 1268-1272. It had the most comprehensive programme, no doubt to inquire into the problems thrown up by the war and because of this each session of the Eyre took longer on the whole to complete[19].

Suffolk was next visited in a General Eyre in November 1286 and it lasted until 13 February 1287 except for a month over Christmas 1286. This was a gap of over 13 years between eyres[20]. It sat for 54 sitting days, compared with the 23 sitting days for this Suffolk Eyre of 1240[21]. As far as can be seen this is the last time any general eyre took place in Suffolk.

The Eyre became even more complicated and protracted in the reign of Edward I when 72 additional *capitula* were added to the articles of the Eyre. None of the existing *capitula* were excluded, and the *quo warranto* enquiries were added to the list making it a 'rather ponderous institution'[22]. Although there were other Eyres in the fourteenth century they were individual Eyres to a specific set of

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[15] See *Cal. Close. Rolls 1272-1279*, p. 52 for the start of regular assize circuits, and *Cal. Close Rolls 1288-1296*, pp. 318-319 for reference to the new system introduced in 1293.
[16] See David Crook, 'The later eyres', *EHR*, 97 (1982), p. 248.
[17] See R. F Treharne, *The Baronial Plan of Reform*, pp. 199-202 for the enquiries to be made and the articles to be considered by the judges and the different mode of raising issues - the *querelae*.
[18] See *Close Rolls 1261-1264*, pp. 134-135 for the protest by Norfolk to being made to have another Eyre within the seven year customary time, and which was scheduled to open in October 1262, and p. 311 for the revocation of the summons of the Eyre in Norfolk. Suffolk had also been informed of their Eyre. There is no separate revocation for Suffolk or any evidence that it was visited by the eyre justices. The Eyre itself petered out and was subsequently abandoned.
[19] The Eyre in Suffolk in 1240 took a total of 30 days elapsed whereas in the 1268-1272 Eyre it took 48 days elapsed. Although the other eyres in Suffolk took less elapsed days than the Suffolk Eyre of 1268-1269, there is one exception to this and that is Suffolk Eyre of 1251. It took in total 61 days elapsed but I think this is explained by the unusual circumstances of the leading judge, Henry of Bath, being removed in disgrace; see Paris, *Chronica Majora*, v, pp. 213-214. The remaining cases were adjourned to the 30 April 1251 and were to be heard by Gilbert of Preston and Master Simon Walton, see *Close Rolls, 1247-1251*, pp. 430 and 529. There are no extant plea rolls for the Suffolk Eyres of 1251 or 1268-1269.
[20] Although the Eyre started in November 1278 in Cumberland it was interrupted for two years in 1282 because of the Welsh war. See Crook, *Records of the General Eyre*, pp 144-146 for the general progress of this Eyre.
[21] See chapter 2, p. 24 above.

counties; for example the London Eyre of 1321, but all of these can be shown to be for specific reasons[23]. A full Eyre programme was planned to start in 1329 to cope with the lawlessness and disorder in the counties but although a few counties were completed it fizzled out with the demise of Mortimer in 1330. At that point another change took place to the system that had existed prior to 1305, when the link between the assize and the gaol delivery system was revived with increased powers for the latter to deal with the lawless. This development, with increase in powers of the keepers of the peace and by occasional visits of the King's Bench armed with trailbaston and gaol delivery powers, provided the machinery for the more flexible use of the king's justice in the counties.

In the thirteenth century the Eyre had become a 'nice little earner' for the king. A full programme might bring in as much revenue as all his other sources put together, albeit over a period of years[24]. However, as the Eyre system began to be superseded by other and more frequent mechanisms of justice it would be obvious to the Exchequer that the revenue from an Eyre was falling and being replaced by the new arrangements. Also, the crown was beginning to develop new more lucrative ways of raising revenue to fund its wars; examples were taxation in the form of lay or clerical subsidies, customs on wool and also in the form of loans by Italian bankers. These innovations were to fund Edward I's wars in Wales, France and Scotland[25] and to be more certain than the potential revenue from an eyre.

Further potential in the eyre plea rolls

The study of a single plea roll of one county is of value but being able to analyse a variety of rolls of a county holds out the hope of analysing both the history of individual families and their landholdings and the more general structure of society at the county and hundred level. The study of the rolls for a variety of counties within a region may bear fruit as to what was happening socially and economically but may also indicate any variations of the same with other regions. This analysis may also bear fruit on any regional differences of the legal processes used, perhaps because of local custom and also on any local variations of the legal status of women or villeins. General trends may also be determined in the development of legal process and practice. The evidence in the eyre rolls can be used with other sources, such as the rolls of the Bench and the court *coram rege*, extant roll of the manorial courts, charters and inquisitions *post mortem* to shed light on the complex pattern of relationships and landholdings within the thirteenth century society.

I believe the study of eyre rolls lends itself to analysis by means of a computer database and I have used such a mechanism to provide the majority of the analyses in this thesis and the indices of Pleas and People and Places[26]. I think that by adding the results of each Eyre analysis to a database, and perhaps that of the Bench and *coram rege* and other rolls, any analysis will be more timely and provide perhaps a

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[22] See Cam, *The Hundred and the Hundred Rolls*, p. 230. She indicates that the Statute of Westminster I in 1275 alone added 33 *capitula* and 39 from the *Quo Warranto* inquests; see Sutherland, *Quo Warranto Proceedings*, pp. 25-26 and pp. 186-188.
[23] The London Eyre of 1321 may have been called to punish the city for siding with the opponents of the king and which resulted in the city not having a freely elected mayor until after the king was replaced in 1327. See *Year Books of Edward II, The Eyre of London 14 Edward II A.D. 1321*, ed. by Helen Cam (Selden Society, 1968, 2 vols.), i, pp. xv-xxii.
[24] See chapter 5 above for the financial significance of the Eyre in the reign of Henry III.
[25] For a general discussion on the financial innovations of Edward I's reign see Carpenter, *The Struggle for Mastery: Britain 1066-1284*, pp. 470-477.
[26] I have provided the relationship diagram of the database and a list and contents of the main tables in Appendix R below.

more accurate picture of the whole judicial process in England in the thirteenth century, and perhaps beyond.

Appendices

Appendix A

Hundreds at Suffolk Eyre - 1240

Hundred or Vill	*Lord of Hundred*	*No. of Common Pleas (location identified)*
Babergh	Abbot of Bury St. Edmunds	74
Blackbourn	Abbot of Bury St. Edmunds	30
BLYTHING	KING	61
BOSMERE	KING	47
Bury St. Edmunds	Abbot of Bury St. Edmunds	1
Carlford	Prior of Ely	23
CLAYDON	KING	14
Colneis	Prior of Ely	7
Cosford	Abbot of Bury St. Edmunds	36
Dunwich	King	6
EXNING	KING	7
HARTISMERE	KING	38
Hoxne	Bishop of Norwich	44
Ipswich	King	15
Lackford	Abbot of Bury St. Edmunds	14
Loes	Prior of Ely	27
Lothingland[1]	King	38[2]
Mutford	Thomas de Hemmegrave[3]	14
Plomesgate	Prior of Ely	29
Risbridge	Abbot of Bury St. Edmunds	49
Samford[4]	King	43
STOW	KING	21
Thedwestry	Abbot of Bury St. Edmunds	27
Thetford[5]		2
Thingoe	Abbot of Bury St. Edmunds	8
Thredling	Prior of Ely	6
WANGFORD	KING/Bishop of Norwich	20
Wilford	Prior of Ely	4
Total Civil Pleas		**705**

[1] This was later given by Henry III to the Balliol family.
[2] This includes one plea - **322** - where the scribe has marginalia of 'Lothingland', but the place is probably in Norfolk.
[3] From 1243 onwards this was in the hands of the Hemmegrave family.
[4] This was later given to Ralph de Ufford by Henry III.
[5] These two pleas are shown in the plea as being in Babergh Hundred. Sometimes Cases for Thetford were taken in Suffolk and sometimes in Norfolk

Appendix A - contd.

Key:

Carlford, Colneis, Loes, Plomesgate[6], Thredling and Wilford constitute the five and a half hundreds of the Liberty of the Priory of Ely in Suffolk. Loes was shared with the Bigod family, the earls of Norfolk.

Babergh, Blackbourn, Cosford[7], Lackford, Risbridge, Thedwestry and Thingoe constitute the eight and a half hundreds of the Liberty of the Abbey of Bury St. Edmunds in Suffolk.

ROYAL HUNDRED [Wangford was ¾ to the king and ¼ to the Bishop of Norwich].

[6] In fact Plomesgate is classed as one and a half hundreds - the half hundred being the Domesday hundred of 'Parham'. Thredling is really an addition to the five and a half hundreds and as its name implies is classed as a third of a hundred.
[7] Babergh and Blackbourne are classed as a double hundred and Cosford as a half hundred.

Appendix B

Size and Nature of Tenements in Dispute in the Eyre in Suffolk, 1240

Evidence from the Eyre Roll

The land in the Eyre plea roll, in the 468 pleas where a size of land is mentioned, is shown mostly in acres - 88% - but other measures are also used. All these other measures have been recalculated into acres for the purpose of this analysis, except for those indicated below. The assumption of the size of the land in acres for each type of unit of measurement are also shown below:

1. In the table below there are two pleas for which, although an amount of land is stated, it is not possible to provide a grouping, see below. In one plea - **1082** - where units of 'rengate' are used for a Norfolk plea, it has not been possible to determine a length or width of a rengate and in the other - **333** - the width and length are shown but the square footage calculated is so small that it is not worth including[8]. Both of these have been included in the pleas showing no area of land in dispute.
2. Roods are mentioned in 30 pleas - 6.5% - and are one quarter of an acre.
3. The carucate in Suffolk is equal to 120 acres in 14 pleas[9]. It is also seen as equal to one hide.
4. The Virgate is shown as being equal to 30 Acres; that is one quarter of a carucate[10].
5. There are 9 pleas where a knight's fee or portion of a knight's fee is mentioned as being claimed. Its measurement has not been determined in terms of acreage, as it has not been possible to equate an acreage to a knight's fee[11]. There are 4 other pleas where a portion of a knights' fees is mentioned but only for service; the land in these 4 pleas are separately identified by one of the other measures above.

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[8] It is only 80 square feet in area, so it is less than 0.002 of an acre.
[9] In Suffolk it is normally assumed that a carucate is 120 acres. See F. W. Maitland, *Domesday Book and Beyond* (Cambridge, 1897) p. 483 for his reasons for believing that to be the case in Norfolk and Suffolk. Also see D.C. Douglas, *Social Structure of Medieval East Anglia*, p. 50. Also see Darby *The Domesday Geography of Eastern England*, pp. 163-164.
[10] There are three pleas where virgates are mentioned and they are all foreign pleas; Gloucestershire, Surrey and Cambridgeshire. In one plea – 95 – the plea contains more than one type of area of land so the virgates are incorporated as a fraction of a carucate. In plea 389 the amount of land is shown as one sixth of a knights fee less 3 virgates of land, and the knight's fee cannot be determined so I have left this amount of land out of the lands in dispute. The virgate is not a measure used in East Anglia where carucates and acres tend to be used. Also see footnote 76 in chapter 4 above for the argument on the acre.
[11] What appears to be common is that a knight was supposed to be maintained by whatever the measure is of a knight's fee. In Suffolk the knight's fee may have been equal to a five hide unit or 600 acres - see Keefe, *Feudal Assessments and the Political Community under Henry II and His Sons*, pp. 20-24 for a view on the possible relationships between the size of the land and a knight's fee. Also see Warner, *The origins of Suffolk*, pp. 144-145. However, their arguments are not conclusive hence I have left them out of the calculations below. All but one are Suffolk pleas, the one exception being from Norfolk - see plea 893.

Appendix B contd.

Size of tenements in Actions

In order to show the frequency of different sizes of holding in the litigation of the civil pleas it has been decided to group the pleas into the following four bands[12]: The number of pleas where no amount of land is shown are also provided by the various types of action.

A Holding of up to 9 acres.

B Holding of between 10 and 33 Acres and all those called either half or one virgate (in Suffolk 30 Acres).

C Holding of between 34 acres and up to one carucate (120 Acres).

D Holding greater than one carucate.

[12] It has been decided to use the same four bands as Susan Stewart in, *1263 Surrey Eyre*, unpublished thesis, vol. 1, App. II, p. 168-169. The only difference is that Group C is shown as land up to the Suffolk carucate in area.

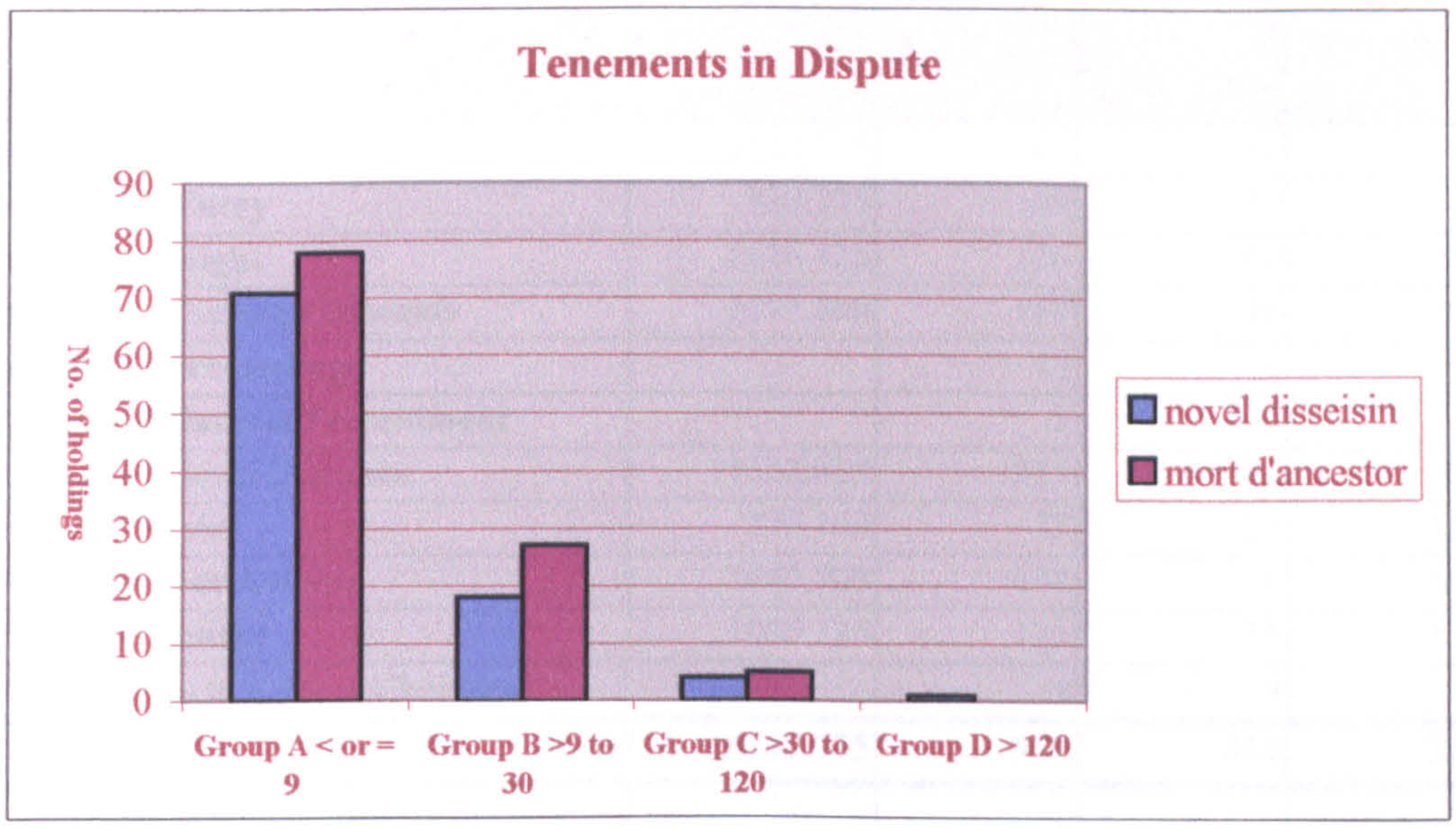
Appendix B contd.

Action Type	*Group A < or = 9*	*%*	*Group B >9 to 33*	*%*	*Group C >33 to 120*	*%*	*Group D > 120*	*%*	*Total A to D*	*% of pleas with size of land*	*Pleas with No Land Shown*	*Total Pleas*
Actions of Dower	20	47.6	12	28.6	5	11.9	5	11.9	42	9.1	21	63
Actions of Entry	36	83.7	5	11.6	2	4.7	0	0.0	43	9.3	26	69
Actions of Right	36	40.0	30	33.3	21	23.3	3	3.3	90	19.4	36	126
Actions on Limited Descents	78	70.9	27	24.5	5	4.5	0	0.0	110	23.8	50	160
Appellate Proceedings	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	11	11
Assizes of Darrein Presentment	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	3	3
Assizes of *Novel disseisin*	71	75.5	18	19.1	4	4.3	1	1.1	94	20.3	119	213
Assizes Utrum	15	65.2	4	17.4	4	17.4	0	0.0	23	5.0	14	37
Miscellaneous Actions	11	42.3	10	38.5	4	15.4	1	3.8	26	5.6	121	147
Personal Actions	14	40.0	9	25.7	8	22.9	4	11.4	35	7.6	90	125
Prohibitions to Courts Christian	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	4	4
												0
Total	**281**	**60.7**	**115**	**24.8**	**53**	**11.4**	**14**	**3.0**	**463**	**100.0**	**495**	**958**

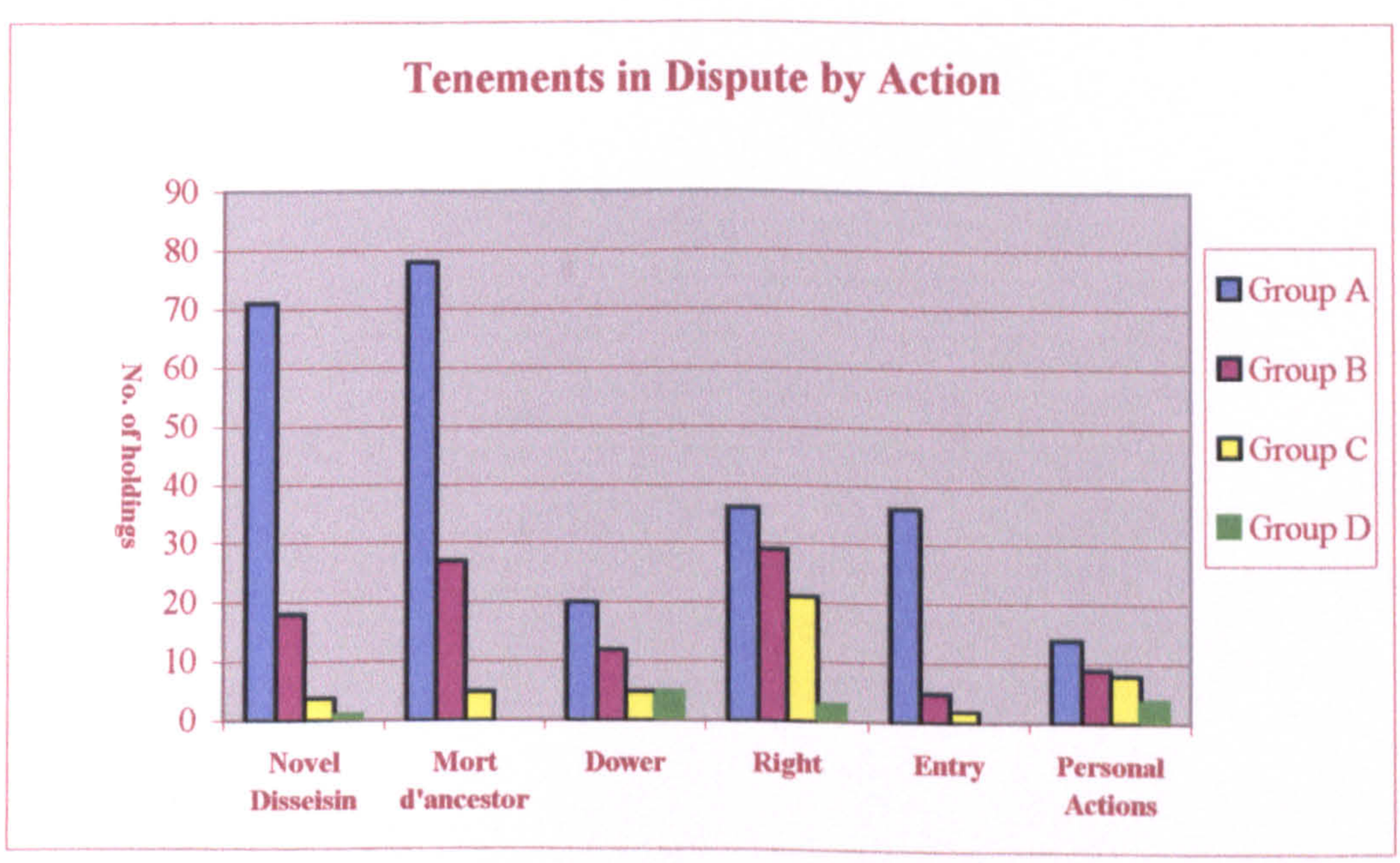
The table indicates that 60.7% of holdings, where the size of a tenement is known, are for Group A; that is for less than or equal to 9 acres of land. A further 24.8% is for land between >9 and 33 acres inclusive and that a further 11.4% is for the land between >33 acres and one carucate. This leaves 3.0% of land in dispute for tenements over 120 acres.
The land in dispute is very often not the only holding that the suing freeholder owns, or is suing for. Even if he is suing for land from one lord, he may hold more land from another lord, or lords.

Appendix B(i) - Tenements in Dispute in the Main Assizes and Other Pleas

The following graph indicates the number of holdings by the main assizes.



The following graph indicate by Group size the no of holdings by the main types of action.



Appendix B(ii) - Average size of Tenements in Dispute in the Main Assizes and Other Pleas

Action Type	Amount of Land in Plea in Acres	Number of Pleas in Dispute	Number of Pleas with Land	Average size of land for pleas with land	Average size of land for all pleas
Actions of Dower	1525.575	63	42	36.323	24.215
Actions of Entry	310.775	69	43	7.227	4.504
Actions of Right	2616.425	126	90	29.071	20.765
Actions on Limited Descents	1195.800	160	110	10.871	7.474
Appellate Proceedings		11	0		
Assizes of Darrein Presentment		3	0		
Assizes of Novel Disseisin	1012.825	213	94	10.775	4.755
Assizes Utrum	277.400	37	23	12.061	7.497
Miscellaneous Actions	1042.700	148	26	40.104	7.045
Personal Actions	1805.775	125	35	51.594	14.446
Prohibitions to Courts Christian		4	0		
Total	**9787.275**	**959**	**463**	**21.139**	**10.206**
Total Land in Suffolk	**945,414**				
% of land in Dispute in Suffolk	**1.035**				

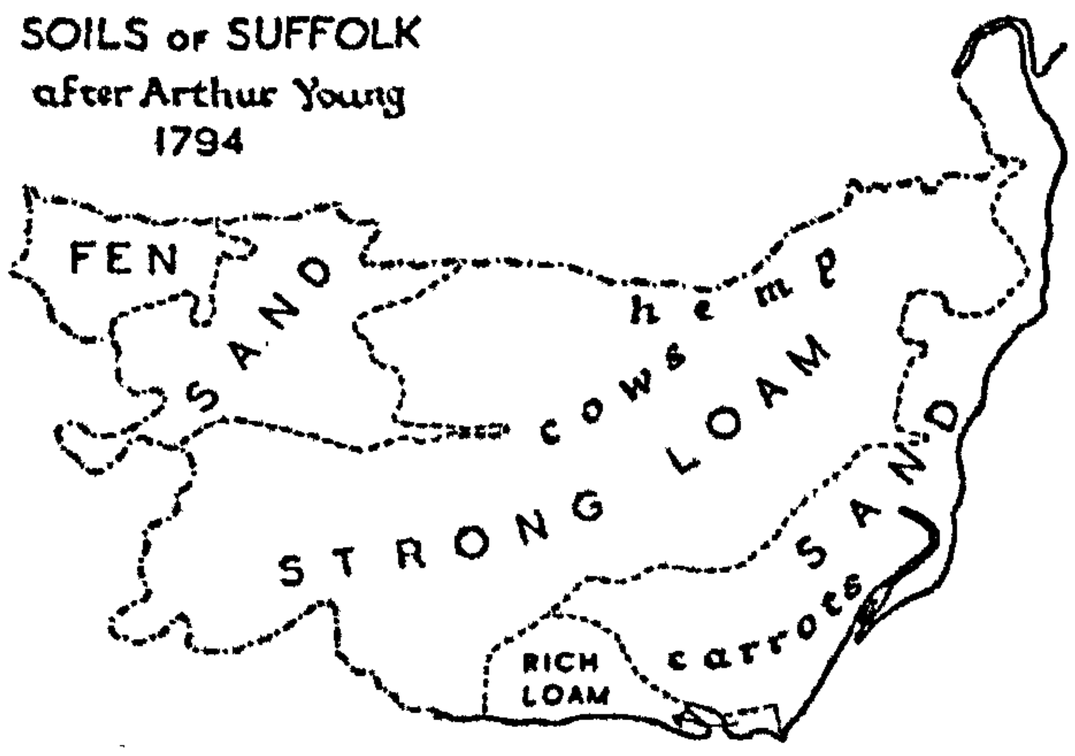
Appendix C

MAPS

Appendix C(i) Suffolk Topographical[13]

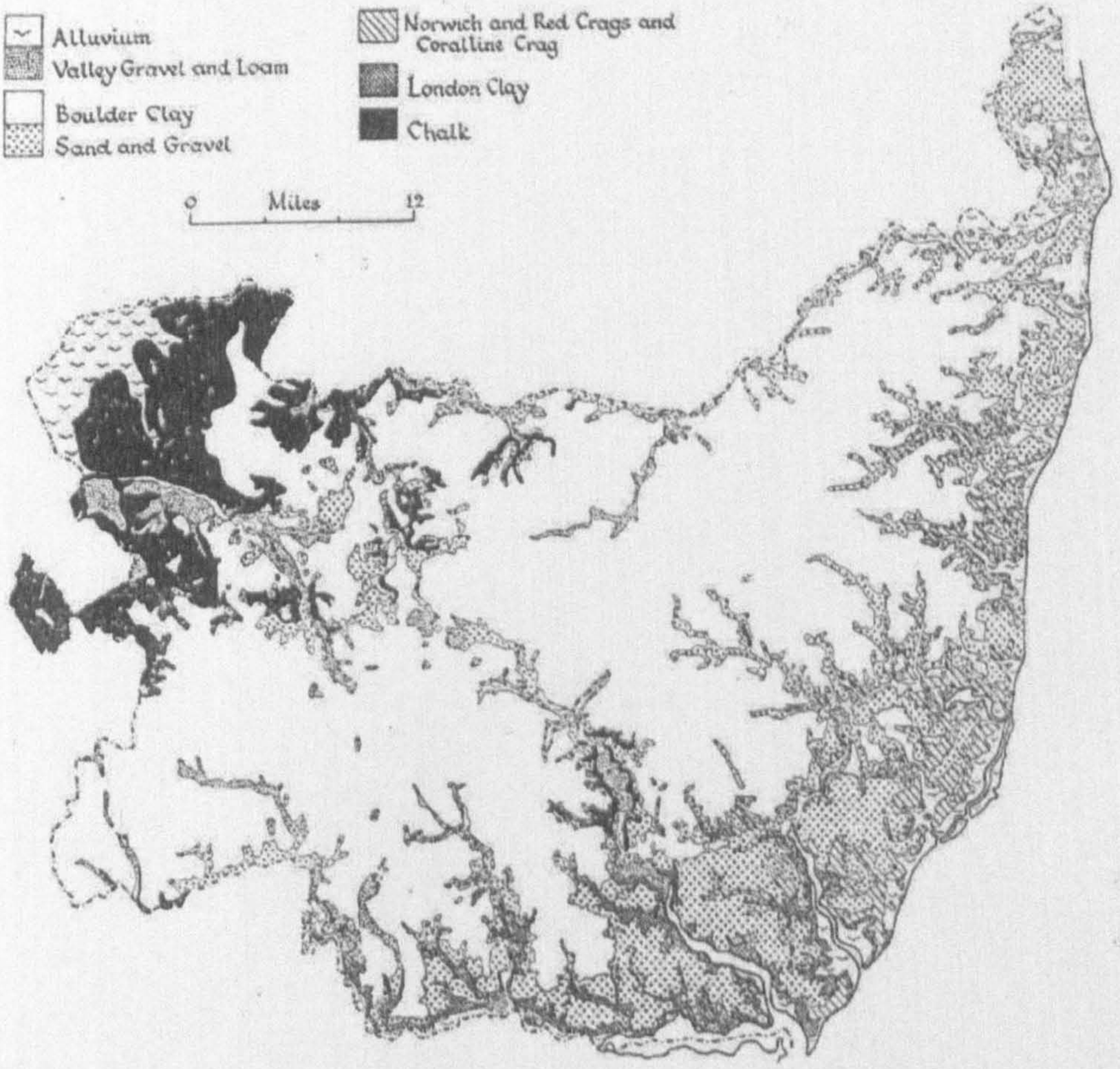
SUFFOLK (EAST AND WEST)

1.	Fenland	North-west corner of the county.
2.	Chalk Downland or Newmarket region	West of River Kennet.
3.	Sand-covered Chalk or Breckland	North-west of Newmarket, Bury and Thetford.
4.	Central sandy loam or Bury Loam region	Between regions 3 and 5, around Saxham, Bury and Ixworth.
5.	Central Suffolk Boulder Clay	East of Thetford–Bury–Lavenham Railway, to Ipswich–Yarmouth Railway.
6.	South-western Heavy Boulder Clay	South-west portion of county.
7.	Mixed Eocene Strata of clays and sands	South of the county round Sudbury and Ipswich.
8.	Eastern Sands and Gravels	East of Colchester–Ipswich–Yarmouth Railway.
9.	Alluvial Loams of the Waveney	North-east corner around Lowestoft.



[13] This map is taken from Stamp and Willets, *The Land Of Britain, Part 72*, p. 317.

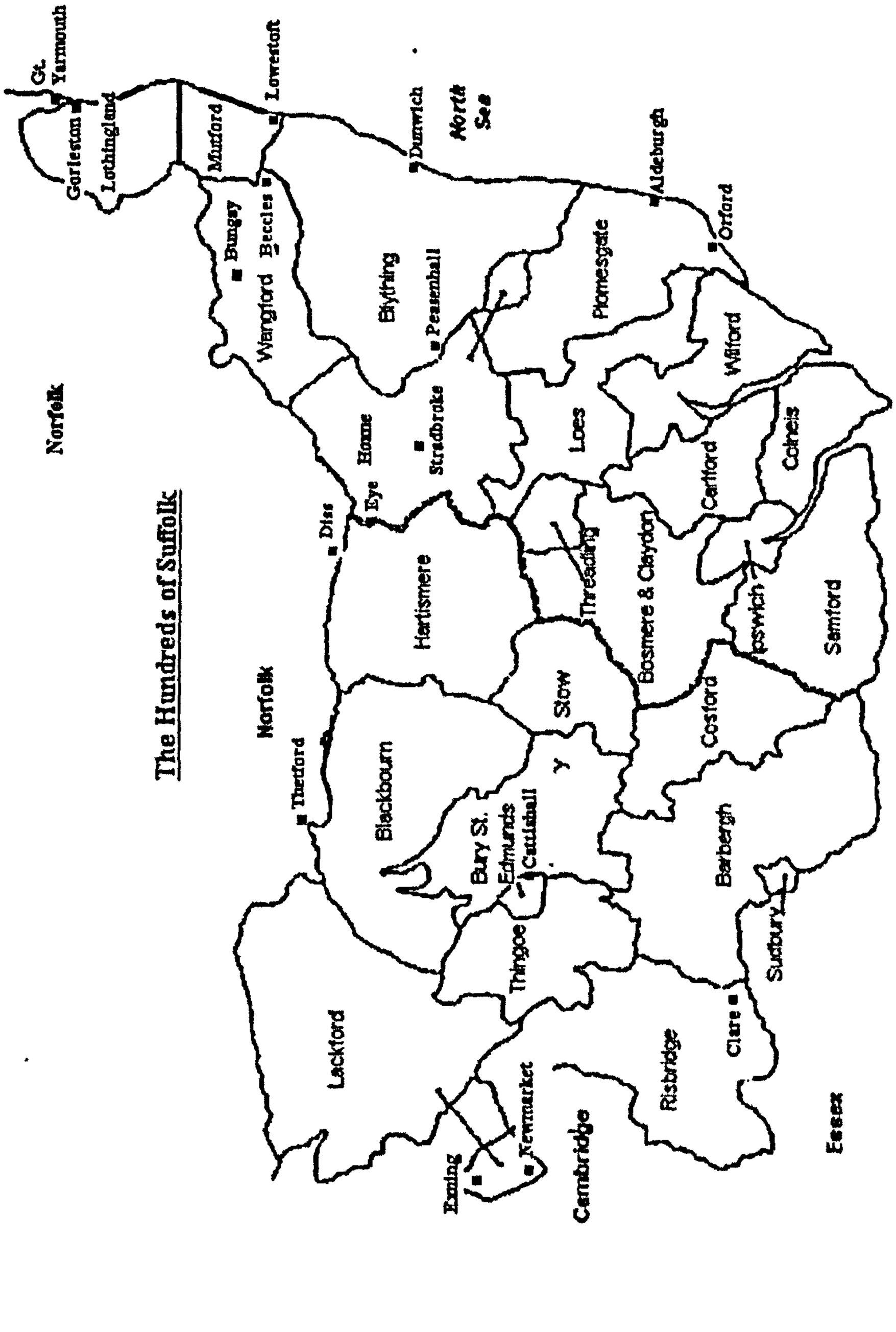
Appendix C(ii) Suffolk Geological[14]



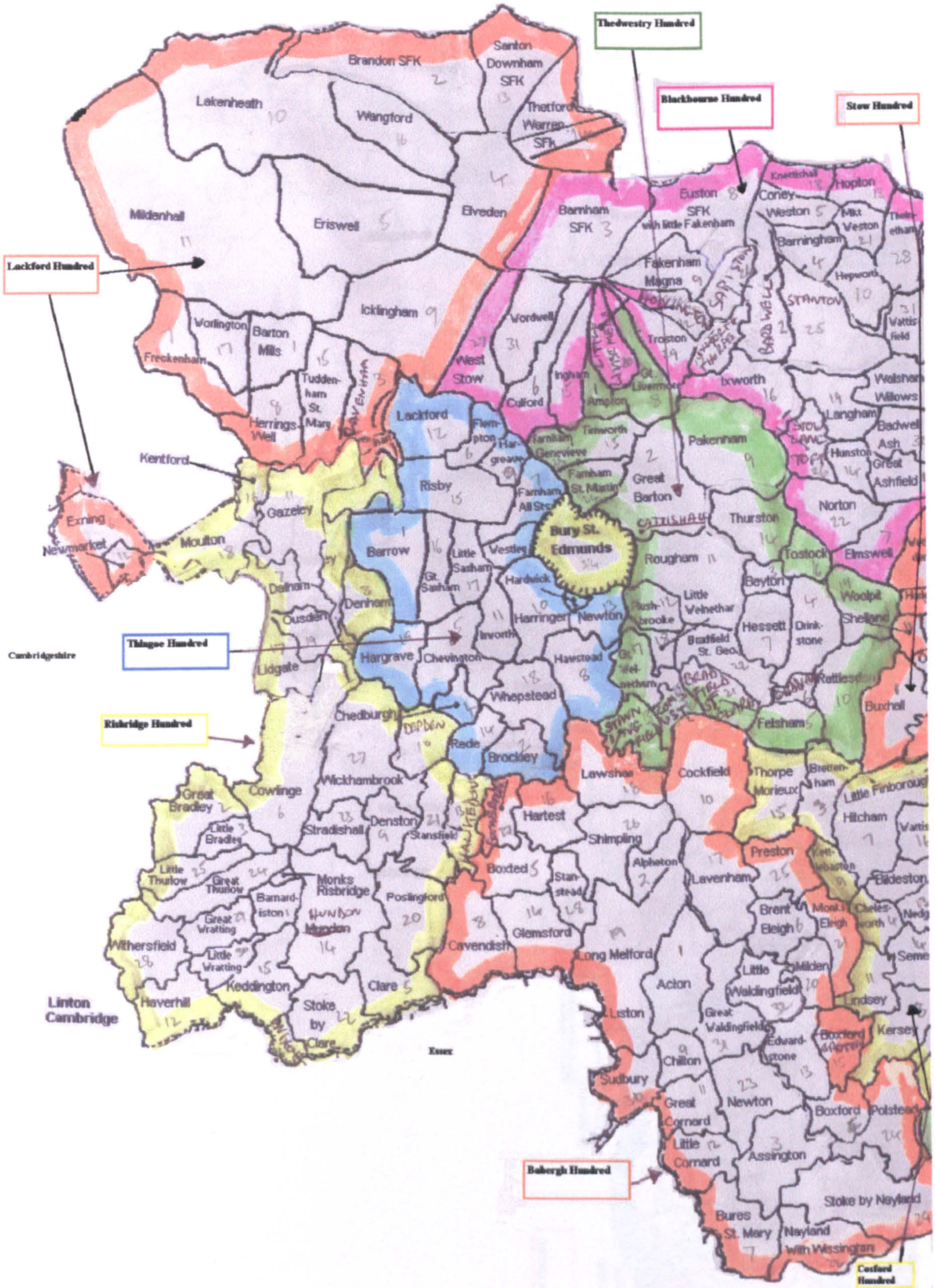
[14] This map is taken from Stamp and Willets, *The Land Of Britain, Part 72*, p. 314.

Appendix C(iii) Hundreds of Suffolk

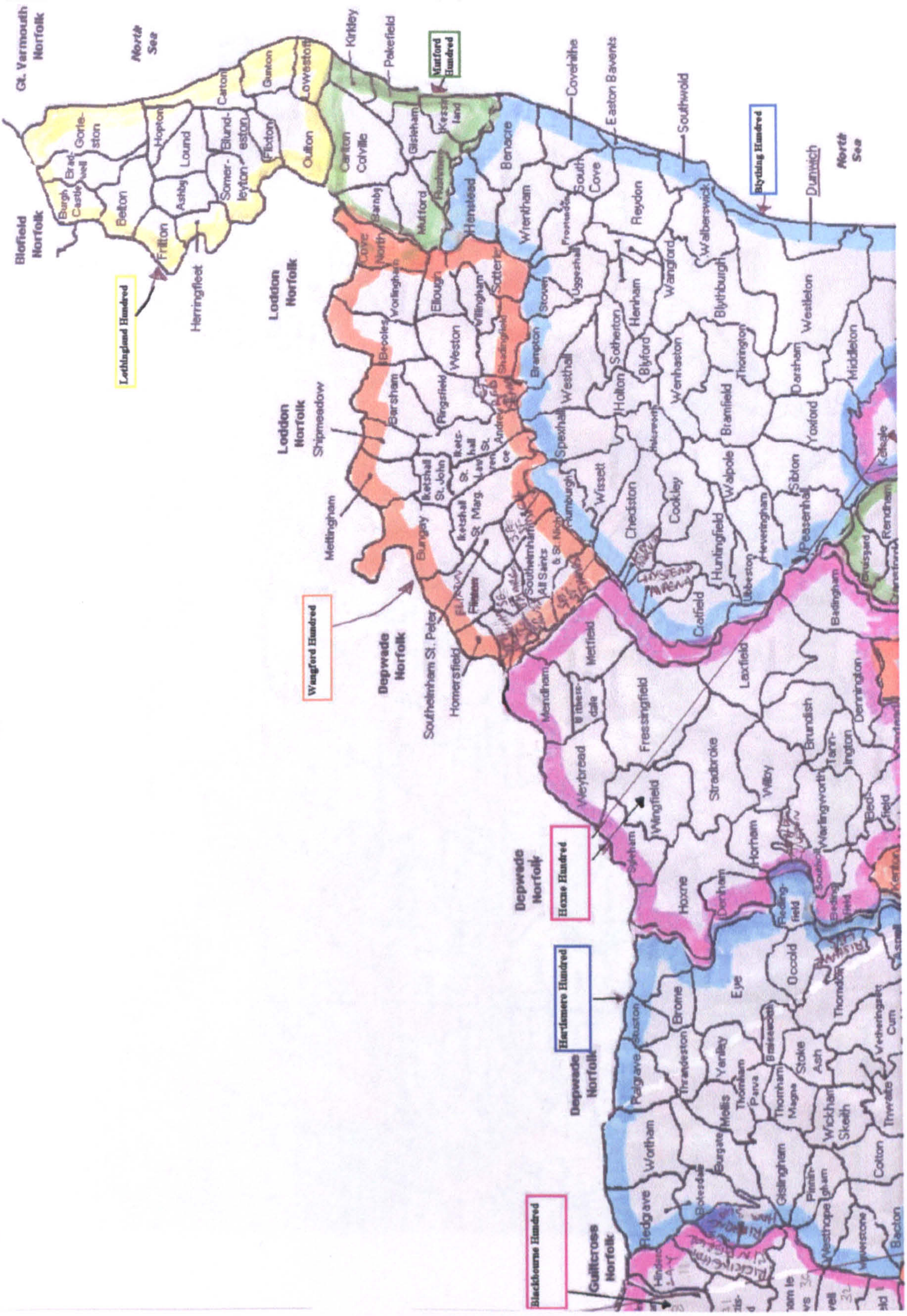
The Hundreds of Suffolk



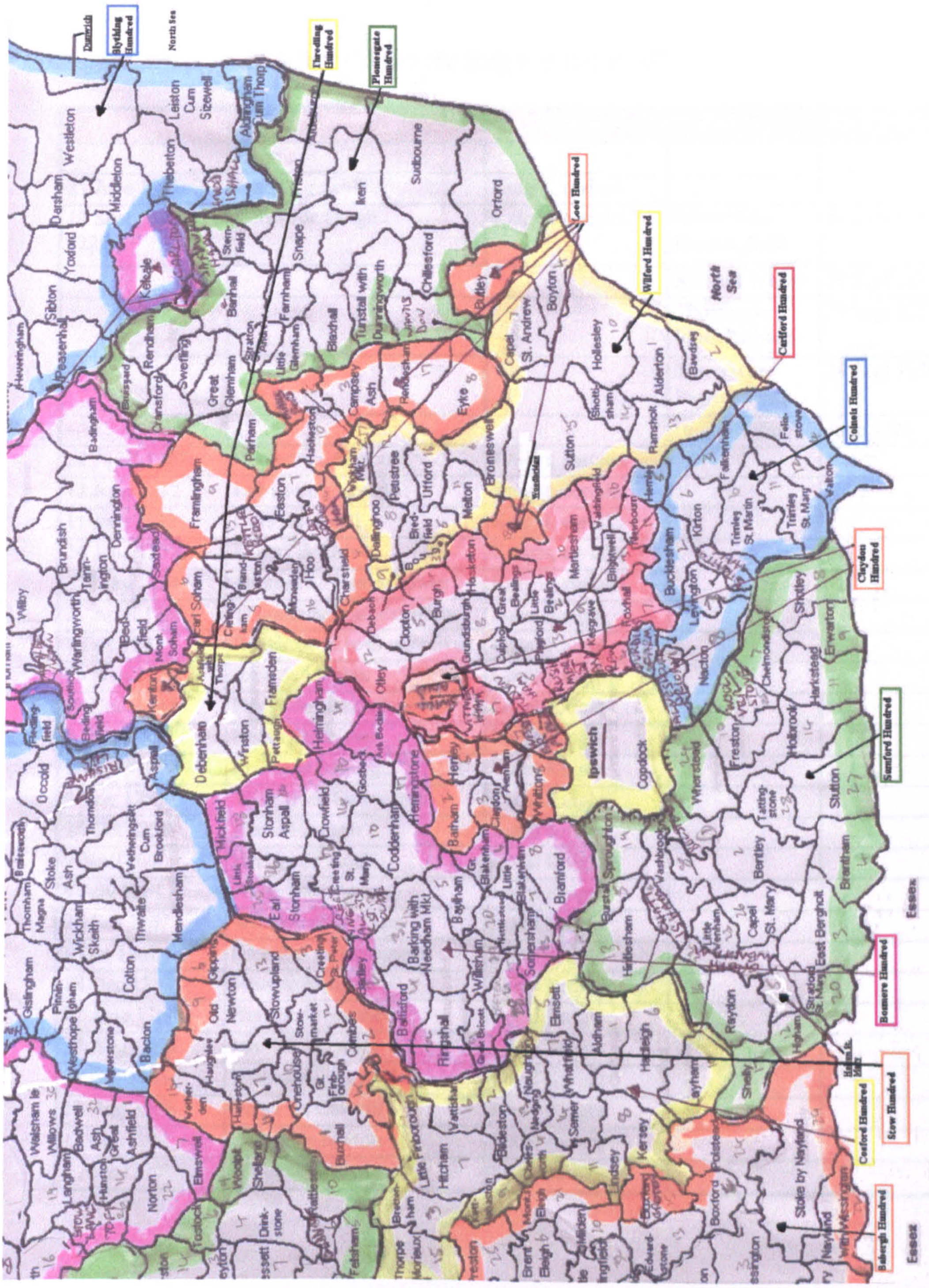
Appendix C(iv) West Suffolk - Vills and Parishes within the Hundreds of Suffolk



Appendix C(v) North Suffolk - Vills and Parishes within the Hundreds of Suffolk



Appendix C(vi) South Suffolk - Vills and Parishes within the Hundreds of Suffolk



Appendix D

Sheriffs Norfolk and Suffolk During the Reign of Henry III

Date Appointed	*High Sheriff*	*Knight/curialis etc.*	*Deputy*	*Date Appointed*
25 June 1215	John Marescallus	Knight, curialis		
10 Sept 1217-Apr 1227	Hubert de Burgh	Knight, curialis	Richard de Fressingfield	29 Sept 1220
			Richard Wuket	29 Sept 1221
			Thomas de Ingoldesthorp	29 Sept 1223
			Thomas de Ingoldesthorp	29 Sept 1224
			Hugh Ruffus	June 1225
29 April 1227	Herbert de Alencun	Knight, curialis		
12 June 1232	Robert de Cokefeld	Knight, curialis		
11 July 1232	Peter de Rivall'	Knight, curialis		
24 June 1232	Robert de Briws	Knight, curialis		
22 May 1234	Thomas de Hemmegrave	Knight, curialis		
21 April 1236	Thomas de Ingoldesthorp	Local Knight		
7 Dec 1237	Robert de Briwes or le Brus	Local Knight		
29 Sept 1239	John de Ulecote	Local Knight		
29 Sept 1241	Henry de Neketon	Local Knight		
4 May 1242	Hamo Passelewe	Local Knight		
18 April 1249	Robert le Sauvage	Local Knight		
5 Nov 1255	William de Swyneford	Local Knight		
26 Oct 1258	Hamo Hauteyn	Local Knight		
9 Jan 1260	Hervey de Stanho	Local Knight		
9 July 1261	Philip Marmyun	Local Knight		
26 Feb 1262	William de Hecham	Local Knight		
8 Oct 1262	Nicholas de Espigornel	Local Knight		
18 Dec 1263	John de Vallibus	Local Knight		
27 June 1264	Hervey de Stanhou	Local Knight		
28 Aug 1265	John de Vallibus	Local Knight		
25 Oct 1265	Nicholas Spigornel	Local Knight		
12 Aug 1266	Roger de Colevill	Local Knight		
17 Oct 1267	Robert de Norton	Local Knight		
7 Aug 1270	William Giffard	Local Knight		

Appendix E

Eyres in Suffolk in the Reign of Henry III (1216 - 1272)[15]

Eyre No	*Eyre Dates*	*Chief Judge*	*Places Eyre held in County*	*Date started*	*Date completed*
1	1218-1222	Geoffrey Buckland	Ipswich	2 May 1219	22 May 1219
			Dunwich	23 May 1219	24 May 1219
			Bury St. Edmunds	5 June 1219	22 June 1219
			Thetford	28 June 1219	2 July 1219
2	1226-1229	Martin Pattishall	Ipswich	22 Sept 1228	13 Oct 1228
			Dunwich	6 Oct 1228	10 Oct 1228
			Cattishall	20 Oct 1228	29 Oct 1228
3	1234-1236 & 1238	Robert de Lexington	Ipswich	10 Nov 1234	20 Nov 1234
			Cattishall	24 Nov 1234	14 Dec 1234
			Cattishall	14 Jan 1235	14 Jan 1235
3a[16]	1235	Adam son of William	Thetford	9 September 1235	Unknown
4	1239-1241 & 1242-1244	William of York Provost of Beverley	Ipswich	30 April 1240[17]	15 May 1240[18]
			Cattishall	21 May 1240[19]	31 May 1240
			Cattishall	4 June 1240	4 June 1240
			Dunwich	11 June 1240	11 June 1240
5	1245	Henry of Bath	Ipswich	1 July 1245	1 July 1245
			Cattishall	15 July 1245	22 July 1245
6	1250-1252	Henry of Bath	Ipswich	14 Jan 1251	3 Feb 1251
			Cattishall	3 Feb 1251	9 Feb 1251
			Cattishall	3 April 1251	1 June 1251
			Great Yarmouth[20]	3 or 10 Feb 1251	3 or 10 Feb 1251

[15] For the information in this table see Crook, *Records of the General Eyre* (HMSO, 1982), pp. 75, 83, 90, **101** (this Eyre), 106, 116 and 135.

[16] According to Crook, *Records of the General Eyre,* p. 90 where apparently there was an extra session to the Eyre held by Adam son of William for those people who had fled the eyre but had now returned. An assize session was also held. The Eyre roll survives – JUST1/1173 – and also the entries in the Pipe Roll for this session are shown separately from those of Robert de Lexington as 'Amercements by Adam the son of William and his allies'.

[17] See Appendix G below where it shows that the earliest agreements were made on the quindene of Easter which would almost certainly have been Monday 30th April 1240. The Crown Pleas were only started on Sunday 6 May 1240 as shown on the heading of the Roll.

[18] The date entered by Crook is 13 May 1240 - see footnote above for page no. - but the more likely date of completion is Tuesday 15th May 1240 as Easter Day is on Sunday 15th April 1240 as the Feet of Fines with this day is shown as 'Pasche in unum mensem'. There are also chirographs from this eyre with this date. See Cheney *Handbook of Dates*, p. 66 for her arguments on sitting days.

[19] This is shown as 'Pasche in quinque septimanas', which would normally be the Sunday 20 May, but for reasons above it probably started on Monday 21 May. Crook agrees here.

[20] Only essoins here, although Crook indicates that they may also have taken the Crown Pleas at Great Yarmouth.

Appendix E contd.

Eyre No	*Eyre Dates*	*Chief Judge*	*Places in County*	*Date started*	*Date completed*
7	1252-1258	Gilbert of Preston	Ipswich	18 Nov 1257	25 Nov 1257
			Ipswich	14 Jan 1258	3 Feb 1258
			Cattishall	25 Nov 1257	9 Dec 1257
			Cattishall	14 Jan 1258	14 Jan 1258
8	1268-1272	Nicholas Tower	Ipswich	3 Nov 1268	7 Dec 1268
			Ipswich	3 May 1269	20 May 1269
			Dunwich	25 Nov 1268	25 Nov 1268
			Cattishall	2 June 1269	22 June 1269
			Cattishall	15 Sept 1269	15 Sept 1269

Appendix F

Membranes in Roll JUST1/818

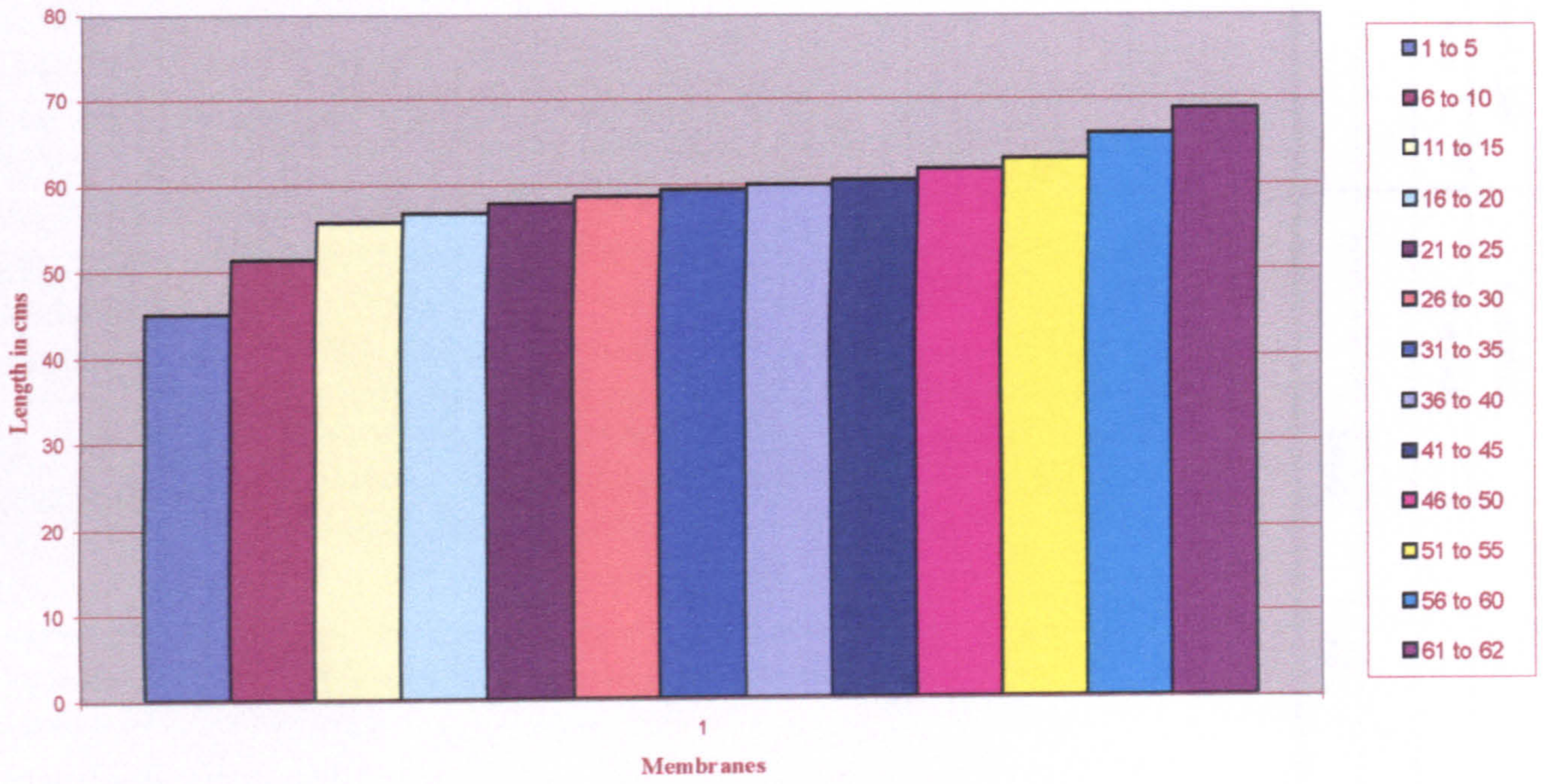
Appendix F(i) JUST1/818 Distribution of Membrane Length and Width

Membrane No	*Length Cms*	*Width Cms*
63 (Wrapper)	36.7	18
1	55.5	18.2
2	56.2	18.3
3	59	18.3
4	57.2	18.1
5	44.6	18.3
6	58.3	18
7	61.3	17.6
8	61.7	17.2
9	67.5	18.6
10	63.5	18.6
11	52.5	18.3
12	69	18.3
13	62	17.6
14	58	18.3
15	55.9	18.1
16	62	18.1
17	58.9	18.1
18	49.8	18.2
19	60.2	18.4
20	65.2	18.4
21	68.7	18.4
22	55.8	18.1
23	57.8	18.3
24	59.2	18.2
25	49.7	18.5
26	60.3	18.3
27	57.5	18
28	50	18.4
29	58.4	18.3
30	57.7	18.3
31	65.5	18.4
32	60.5	18.6
33	60.8	17
34	60.3	18
35	58.5	18.2
36	62.8	18.2
37	55.4	17.6
38	60.4	18.2
39	59.1	18.3

Appendix F(i) contd.

Membrane No	*Length Cms*	*Width Cms*
40	59.7	17.9
41	45.4	17.9
42	50.3	18
43	60.4	18.2
44	55.8	18.5
45	63.1	18.4
46	61.5	18.3
47	59.2	18.3
48	59.7	18.3
49	54.5	18.5
50	56.2	18.1
51	59.7	17.8
52	57.3	18.3
53	58.8	18.4
54	59.5	18.2
55	62.1	18.3
56	64.5	18.5
57	66.8	18.1
58	59.7	18.2
59	56.5	18.6
60	63	18.3
61	49.3	17.9
62	35.5	18.2
Total cms (incl. Wrapper)	**3651.9**	**1145.5**
Total cms (excl. Wrapper)	**3615.2**	**1127.5**
Average cms (incl. Wrapper)	**57.96667**	**18.18254**
Average cms (excl. Wrapper)	**58.30968**	**18.18548**

Appendix F(ii) Sorted Moving Average of Membranes for Just 1/818



Appendix G

Appendix G- Number and Dates of Chirographs Made in the Suffolk Eyre 1240

Date in Feet of Fine	*Actual Date*	*Where Made*	*No. of Chirographs*
Quindene of Easter	Monday 30 April 1240	Ipswich	9
Easter, plus 3 weeks	Monday 7 May 1240	Ipswich	23
Easter, plus one month	Tuesday 15 May 1240	Ipswich	23
Easter, plus 5 weeks	Monday 21 May 1240	Cattishall	6
Morrow of Ascension	Friday 25 May 1240	Cattishall	48
Octave of Ascension	Friday 31 May 1240	Cattishall	2
Morrow of Pentecost	Monday 4 June 1240	Cattishall	13
Morrow of Trinity	Monday 11 June	Dunwich	3
		Total	**127**

Appendix H

Civil and foreign pleas

Appendix H(i) Foreign pleas taken at the Suffolk Eyre 1240

Form of Action	*Adjourned*	*Agreed*	*Not Prosecuted*	*Withdrawn*	*Judged for Plaintiff*	*Judged for Defendant*	*Void*	*Total Conclusions*	*Actual Total*	*Total per cent*
Actions of Dower	9	2			4	1		16	16	11.7
Actions of Entry	1	2		1		5		9	9	6.6
Miscellaneous Actions - Land (unspecified)	3	11					1	16	16	11.7
Actions of Right	22	5	1	1	2	1		31	31	22.6
Actions on Limited Descents (mostly *Mort d'ancestor*)		1	1					2	2	1.5
Appellate Proceedings	3	3	1					7	7	5.1
Assizes of Darrein Presentment	1						1	2	2	1.5
Assizes of *Novel disseisin*	1	3	1	1	2			8	8	5.8
Nuisance			1					1	1	0.7
Assizes Utrum	1	1						2	2	1.5
Miscellaneous Actions - Others	9	3	1			2	2	17	17	12.4
Personal Actions	6	11			3	2		22	22	16.1
Prohibitions to Courts Christian	3					1		4	4	2.9
Total Outcomes	**59**	**42**	**6**	**3**	**11**	**12**	**4**	**137**	**137**	**X**
Total per cent	**43**	**31**	**4**	**2**	**8**	**9**	**3**	**X**	**X**	**100**

Appendix H(ii) Comparison of novel disseisin (including nuisance) and mort d'ancestor as % of all pleas of Surrey (2), Wiltshire, Berkshire, Shropshire, Derbyshire, Northamptonshire and Suffolk (excluding foreign pleas)

County and Year	*% of novel disseisin*	*% of mort d'ancestor*	*Total %*
Surrey 1235	29.7	18.4	48.1
Suffolk 1240	24.8	19.2	44
Berkshire 1248	30	15	45
Wiltshire 1249	23	24	47
Shropshire 1256	32.5	17	49.5
Surrey 1263	23	27	50
Derbyshire 1281	16.9	19.1	36
Northamptonshire 1329	17.0	8.0	25

Appendix H(iii) Provenance of Foreign Pleas

Counties already visited by William of York's circuit are shown in italics.

County	*Number of Pleas*	*Total per cent*
Bedfordshire	1	0.73
Buckinghamshire	1	0.73
Cambridgeshire	3	2.19
Cornwall	2	1.46
Essex	9	6.57
Gloucestershire	1	0.73
Hampshire	2	1.46
Hertfordshire	3	2.19
Kent	3	2.19
Lincolnshire	1	0.73
Norfolk	103	75.18
Somerset	1	0.73
Surrey	3	2.19
Sussex	2	1.46
Wiltshire	1	0.73
Worcestershire	1	0.73
Total	**137**	**100.00**

Appendix J

Summary of Amercements and Fines in Plea Roll JUST1/818

Crown Pleas		*No. of Items*		£	s.	d.
Bosmere		36		23	10	10
Eye		7		3	6	8
Hartismere		39		53	2	11
Beccles		12		5	11	0
Stow		16		11	19	4
Mutford		4		1	6	8
Bungay		6		5	6	8
Claydon		25		21	3	10
Liberty of Priory	***of Ely***					
Plomesgate		11		10	13	8
Carlford		9		7	4	0
Wilford		9		6	13	2
Colneis		4		3	0	0
Loes		13		6	4	2
			Sub-total for Liberty	33	15	0
Orford		2		3	0	0
Elmham		9		4	6	8
Wangford		6		2	8	8
Hoxne		15		10	11	3
Samford		33		26	16	4
Lothingland		29		48	2	2
Blything		53		34	16	3
Exning		7		5	13	4
Liberty of Bury	***St. Edmunds***					
Babergh		28		23	12	0
Risbridge		7		5	16	8
Clare		5		5	6	8
Sudbury		1		5	0	0
Thingoe		9		5	4	7
Cosford		7		4	6	8
Blackbourn		35		23	13	6
Thedwestry		8		6	10	0
Lackford		11		5	0	4
			Sub-total for Liberty	84	10	5
Ipswich		9		15	5	0
Dunwich		21		23	10	0
Total Crown Pleas		**486**	**Total Issues**	**418**	**3**	**0**

Appendix J contd.

Civil Pleas		*Number of Items*		£	s.	d.
Appeal		2		7	6	8
Attaint		4		6	0	0
Disseisin		55		29	6	8
False Claim		74		28	13	4
False Declaration		8		2	6	8
False Pleading		3		1	6	8
Jury		7		10	0	0
Licence to concord		82		59	6	8
Non Prosecution		121		41	0	0
Not Come		22		7	6	8
Nuisance		8		3	16	8
Other		12		5	16	8
Trespass		9		4	0	0
Unjust Detention		31		11	6	8
Withdrawal		19		6	13	4
Total Civil Pleas		**457**	**Total Issues**	**224**	**6**	**8**

Total Items in Crown and Civil Amercements and Fines in Plea Roll JUST1/818		**943**	**Total Issues**	**642**	**9**	**8**

Appendix K

Summary of Issues of the Norfolk and Suffolk Eyres of 1240[21] as recorded in Pipe Rolls and other financial records.

Appendix K(i) Sheriffs' Payments as recorded in Pipe Rolls

1. Michaelmas 1240 (E372/84 m. 8d)

Amercements by William of York and his Allies

				L.	*s.*	*d.*
John de Ulecote, sheriff, from amercements of men, vills, hundreds and tithings				1067	5	8½
From which Jeremy Caxton was paid 30 marks[22]				20	0	0
From which Roger de Thurkelby was paid £20				20	0	0
From which Gilbert of Preston was paid £20				20	0	0
From which Henry of Bath was paid £20				20	0	0
Supplement				2	1	5
Paid into the treasury	**989**	**7**	**1½**			

2. Michaelmas 1241 (E372/85 m. 10-10d)

Amercements by William of York and his Allies[23]

				£	*s.*	*d.*
John de Ulecote, sheriff, from amercements of men, vills, hundreds and tithings				242	1	11
Paid into the treasury	**243**	**6**	**4**			
From Surplus on Norfolk/Suffolk account				**1**	**3**	**5**[24]

3. Michaelmas 1242 (E372/86 m. 10-10d)

				£	*s.*	*d.*
Henry de Neketon and Hamo de Passelewe, sheriffs, account for many debts whose names are shown with the letter **'.t.'** in the roll preceding in the dorse until the title 'List of Debts in 'Arcis Cyrographorum'. By 22 tallies.				139	1	8
Paid into the treasury - Quit	**139**	**1**	**8**			

				£	*s.*	*d.*
Henry de Neketon and Hamo de Passelewe, sheriffs, from amercements of men, vills, hundreds and tithings				40	16	8
Paid into the treasury - Quit	**40**	**16**	**8**			

4. Michaelmas 1243 (E372/87 m. 8-8d)

				£	*s.*	*d.*
Hamo de Passelewe, sheriffs, from debts of many in roll preceding in the dorso by 21 tallies				56	14	10½
Paid into the treasury	**56**	**14**	**10½**			

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[21] It is not possible to separate out the financial records for the counties of Norfolk and Suffolk in the Pipe Rolls as they are accounted for as one county, although the membrane contains the words 'Norff Suff' at the end of the membrane on the dorse side. What I have done is to try to identify what belongs to Norfolk and to Suffolk as individual amounts come in. See Chapter 5 - 'Issues of the Suffolk Eyre 1240' for the problems encountered and why it is very difficult to differentiate between the two counties.

[22] For expenses approved by the king see *Liberate Rolls,* pp. 437, 463, 477 & 487 for the order to the sheriff to pay the four judges their expenses out of the amercements collected from the eyres. It looks as though the sheriff needed a reminder for Henry of Bath as he was originally told about his expenses on page 437 and then was reminded on page 463 on April 28 to pay the money to Henry. He accounted for all payments to the four junior justices in the Pipe Roll.

[23] On the membrane there are two headings - the one shown above and - 'The above mentioned Amercements by William of York'. The sheriff's account shown here is in the latter.

[24] The roll shows this amount but I calculate it as £1-4-5; that is a difference of 1 shilling.

Appendix K(i) contd.

5. Michaelmas 1244 (E372/88 m. 4-4d)

				£	s.	d.
Hamo de Passelewe, sheriffs, [from debts] shown with letter **'t'**				2	16	8
Paid into the treasury	**2**	**16**	**8**			

6. Michaelmas 1245 (E372/89 m. 2-2d)

				£	s.	d.
Hamo de Passelewe, sheriffs, [from debts] shown with letter **'t'**				39	0	10
Paid into the treasury (in 3 payments)	**32**	**7**	**6**			
Sheriff Owes £6-13-4 (shown as 10 marks)						

7. Michaelmas 1246 (E372/90 m. 14-14d)

				£	s.	d.
Hamo de Passelewe, sheriff, from amercements of men, vills, hundreds and tithings with letter **t.**. and letter **d.**.				2	16	8
Hamo de Passelewe, sheriff, from amercements of men with letter **'t.'** letter **d.**				2	16	8
Paid into the treasury - Quit	**5**	**13**	**4**			

	£	s.	d.
Total paid into Treasury to Michaelmas 1246 by sheriff from estreat for Norfolk and Suffolk.[25]	**1510**	**4**	**2**

9. See App. K(ii) As recorded in Receipt Roll of Easter 1240 and 1241 (E401/14)

Total of Payments recorded in Receipt Roll	£	s.	d.
Total paid into Treasury to Easter 1240 on Receipt Roll for Norfolk and Suffolk - There is nothing recorded in the Receipt Roll.	**0**	**0**	**0**

10. See App K(iii) As recorded as individual debts on Pipe Rolls

Total of Payments recorded as individual debts on Pipe Rolls	£	s.	d.
Total paid into Treasury by individuals on Pipe Rolls E372/84-90	**495**	**6**	**1½**

11. TOTAL of K(i), K(ii) and K(iii) **£2005 10s 3½d**

[25] This does not include the £24 paid to the Liberty of Ely.

Appendix K(ii) Individual Debts arising from the Norfolk & Suffolk Eyre of 1240

FROM RECEIPT ROLLS

There is nothing surviving on the Receipt Rolls for the period of the Suffolk or Norfolk Eyre of 1240.

Appendix K(iii) Individual Debts arising from the Norfolk & Suffolk Eyre of 1240

FROM PIPE ROLLS

Name	*Reason*	*Civil Case (if known)*	*F/A*[26]	*Amount*	*1st year*	*Payments*
sheriff - John de Ulecote	year & day, waste		A	40s	1240	1243, in full
Richard Mauduyt	trespass		F	100s	1240	1240, in full
William de Sculham	nuisances		F	20 marks	1240	1243, in full
Hugh de Albinaco	trespass		A	£10	1240	1242, in full
H. of Clacklose - Norfolk	*murdrum*		A	40s	1240	1242, in full
H. of Clacklose - Norfolk	no coroners		F	30 marks	1240	1240, £17-12-8
						1241, in full
Nicholas de Stuteville	many injustices		A	40 marks	1240	1240, 10 m.
sheriff - John de Ulecote	year & day, waste		A	18s	1240	1240, in full
Roger de Cressy	year & day, waste		A	£1-11s-10d	1240	1240, in full
City of Norwich	before judgement		A	20 marks	1240	1240, £8-18s-2d
						1242, £4-8s-6d in full
Abbot of St. Edmunds	year & day, waste		A	20 marks	1240	1243, in full
Whole County of Suffolk	before judgement		A	50 marks	1240	1241, in full
Thomas de Hemmegrave'	keeping chattels		A	£6-19s-8d	1240	1242, pardoned
Simon Waleran, Philip de Engate & allies	trespass		F	£3	1240	1240, £2-10s-0d
John de Hodeboville	concealment		A	100s	1240	1240, 90s
						1242, in full
Stephen de Redham	withdrawal		A	10 marks	1240	1240, 40s
Peter de Beccles	Jury & withdrawal	**758**	A	15½ marks	1240	1241, 5 m.
						1242, in full
John de St. Denis	trespass	**898**	A	30 marks	1240	1240, £10

[26] F = Fine, the amount being entered in the plea roll, A = amercement

Name	*Reason*	*Civil Case (if known)*	*F/A*[26]	*Amount*	*1st year*	*Payments*
						1241, 73s 4d
John de Fleg	trespass & keeping chattels		A	5 marks, 14s	1240	
heirs of Robert de Vallibus	2 debts	**526**	A	3 marks	1240	1243, in full
Henry de Ver'	debt		A	£29-19s-0½	1240	1240, possibly £10-18-0½
						1243, in full
Prior of Thetford	loans		F	40 marks	1237	1240, 40 m. in full
William Talebot	debts		F	£17-15s-1d	1237	1243, in full
William Talebot	debts		F	5 casks of wine	1237	1243, in full
Roger le Bigod	loans, scutage		A	£36-3s-4d	1240	1240, in full
Whole County of Norfolk except for the liberties	before judgement		F	160 marks	1240	1240, £90-13s-4d
						1241, £8-13s-7d
						1242, £7-6s-5d in full
Hubert de Burgh, Earl of Kent	agreement		F	100s	1240	1241, in full
Vill of Tilney (Norfolk)	concealment		A	12 marks	1241	1241, 113s 4d
Vill of East Walton (Norfolk)	not making suit		A	2 marks	1241	1241, 1 m.
Vill of Wiggenhall (Norfolk)	for harbouring		A	20 marks	1241	1241, £9-11s-0d
John de Ulecote	keeping chattels		A	61s 4d	1241	1241, 1s 4d
Henry the son of Peter of Heacham & Robert of Sedgeford	concealment		A	½ mark	1241	1241, 40d
Robert son of Gilbert of Walpole & Osbert son of Henry	concealment		A	½ mark	1241	1241, 40d
Vill of Sinterlee'	not making suit		A	20s	1241	1241, 10s
William son of John	trespass etc.		A	100s	1241	

Name	*Reason*	*Civil Case (if known)*	*F/A*[26]	*Amount*	*1st year*	*Payments*
Ralph le Fol' of Burnham and Thomas son of Walter	non habet		A	½mark	1241	1241, 40d
						1243, in full
Robert son of Richard of Docking and Henry Louerd'	non habet		A	½ mark	1241	1241, 40d
(*t*) Ralph son of Orm' in Felthorpe and Jordan Cliture	non habet		A	½ mark	1241	1241, 40d
						1242, in full
Nicholas of Scratby & Ralph Serich of Filby (Norfolk)	non attendance		A	½ mark	1241	1241, 40d
						1243, 20d by Ralph
(*t, Norfolk*) Ralph Warinete' of Filby & Ralph son of Alan	non attendance		A	½ mark	1241	1241, 40d
						1242, in full
Thomas de Hemmegrave	trespass		A	2 marks, 30s	1241	1241 10s
						1242 pardoned
Ralph Carter and allies	false appeal		A	40s	1241	1241, 10s
H. of Tunstead (Norfolk)	*murdrum*		F	3 marks	1241	1241, 1 m.
John le Gros' and Richard of Westgate (Norfolk)	false claim		A	½ mark	1241	1241, 40d
Hugh of Antingham, Roger Ruffus' and Roger Bacun'	false claim		A	10s	1241	1241, ½m.
Gilbert Burhard of Thetford and his allies	trespass		A	5 marks	1241	1241, 40s
						1244, 1 m.
Raymond Pann'	agreement		F	1 mark	1241	1241, ½m.
						1242, ½m.

Name	*Reason*	*Civil Case (if known)*	*F/A*[-6]	*Amount*	*1st year*	*Payments*
William de Melewude'	trespass		A	40s	1241	1241, 20s
						1243, in full
Walter de Leonibus'	agreement		F	1 mark	1241	1241, ½m.
John Bond de Bedesham' and Thomas dictis de Belham' (Norfolk)	non habet		A	½ mark	1241	1241, 40d
Thomas son of Michael de Thirkleshall' and Thomas son of William of Shingham	non habet		A	½ mark	1241	1241, 40d
Thomas son of Philip of Thetford	false claim		A	½ mark	1241	1241, 40d
Nicholas son of William of Repps and Roger Colston of Bastwick	non prosecution		A	½ mark	1241	1241, 40d
Alex' Ketill of Stow and William son of Ralph de Posford'	non habet		A	½ mark	1241	1242, 40d
(Ely) Geoffrey Carbonell, William son of Humphrey son of William of Claydon	trespass		A	40s	1241	1241, 20s
H. of Plomesgate (Suffolk)	*murdrum*		A	4 marks	1241	
H. of Carlford (Suffolk)	*murdrum*		A	40s	1241	1244, 30s
Ermis of Kettleburgh	?		F	32s	1241	
H. of Colneis	*murdrum*		A	40s	1241	1244, 36s
H. of Lothingland	having coroner		A	20 marks	1241	1241, £7-16s-8d
						1242, 4 m.
						1243, in full
William M---', Richard le Rede and Robert le Red'	non attendance		A	½ mark	1241	1241, in full
Hugh son of Kamille	trespass		A	2 marks	1241	1241, 20s
(*t*) Thomas Garneys, John Norman of Elmham (Norfolk)	non habet	**500**	A	½ mark	1241	40d
						1243, in full

Name	*Reason*	*Civil Case (if known)*	*F/A*[26]	*Amount*	*1st year*	*Payments*
(*Ely*) Roger de Childeston' & Osbert his brother	disseisin	**831**	A	40s	1241	1241, 30s
						1242, 5s
William Sket	appeal	**210**	F	40s	1241	1241, 2½m.
						1242, in full
Loretta de Geddings & Winneriis Vis de Lu	Agreement		F	1mark	1241	1241, ½ m.
Gilbert Maunce	agreement	**512**	F	½ marks	1241	1241, 40d
						1244, 20d
(*t*) William son of Robert	agreement	**904**	F	1 mark	1241	1241, 5s
						1242, in full
Roger le Bigod	trespass, agreement		A	110 marks	1242	1242, 25 m.
						1243, 56 m.
Robert son of Robert of Newton and Peter son of William of Sproughton (Norfolk)	withdrawal		A	10s	1241	1241, 40d
Roger of Stratton & Roger le Veyse'	trespass		A	10s	1241	1241, 6s-8d
H. of Wilford	*murdrum*		A	60s	1242	
Bailiff of Ipswich	trespass		A	40s	1243	
sheriff for various litigants	disseisin etc.		A	3 marks 10s	1243	1243, in full
Thomas Tolle	non prosecution		A	½ mark	1244	1244, 2s-2d
Total Paid into Treasury in this Period (£sd)[27]						**£495-6s-1½d**

[27] This excludes any items pardoned and the casks of wine.

Appendix L - Villeins - Summary by Plea Type.

Plea Type	*Action Type*	*Writ/plea*	*Item Number*	*Result of Plea*	*Amount of Land in Plea*	*Units of Land Held In Plea*
Civil Pleas						
	Actions of Dower					
		dotis	**588**	D	7.00	Acres
	dotis Count		**1**			
				Avg Of Amount of Land in Plea:		***7.00** Acres*
	Actions of Entry					
		Alienation by Villein	**323**	D	1.00	Acres
		Alienation by Villein	**560**	D	10.00	Acres
		Alienation by Villein	**1006**	J	5.00	Acres
	Alienation by Villein Count		**3**			
		unspecified	**960**	D	5.00	Acres
		unspecified	**969**	D	2.00	Acres
	unspecified Count		**2**			
				Sum Of Amount of Land in Plea:		***23.00** Acres*
				Avg Of Amount of Land in Plea:		***4.60** Acres*
	Actions of Right					
		Consuetudinum et Serviciorum	**332**	D	0.00	
	Consuetudinum et Serviciorum Count		**1**			
		Precipe	**450**	A	65.50	Acres
		Precipe	**933**	D	14.00	Acres
		Precipe	**998**	D	3.30	Acres
		Precipe	**1107**	J	2.50	Acres
		Precipe	**1119**	D	2.00	Acres
	Precipe Count		**5**			
				Sum Of Amount of Land in Plea:		***87.30** Acres*
				Avg Of Amount of Land in Plea:		***17.46** Acres*
	Actions on Limited Descents					
		Mort d'Ancester	**238**	D		
		Mort d'Ancester	**362**	P	1.00	Acres
		Mort d'Ancester	**385**	D	2.00	Acres
		Mort d'Ancester	**423**	D	6.00	Acres
		Mort d'Ancester	**436**	A	1.00	Acres
		Mort d'Ancester	**479**	D	1.00	Acres
		Mort d'Ancester	**493**	D	2.50	Acres
		Mort d'Ancester	**579**	D	57.00	Acres
		Mort d'Ancester	**609**	D	0.75	Acres
		Mort d'Ancester	**613**	W	9.00	Acres
		Mort d'Ancester	**738**	J	8.00	Acres
		Mort d'Ancester	**879**	D	12.00	Acres
		Mort d'Ancester	**1071**	D	6.00	Acres
	Mort d'Ancester Count		**13**			

Plea Type	*Action Type*	*Writ/plea*	*Item Number*	*Result of Plea*	*Amount of Land in Plea*	*Units of Land Held In Plea*
		Nuper Obiit	**552**	A	10.00	Acres
	Nuper Obiit Count		**1**			
				Sum Of Amount of Land in Plea:		***116.25** Acres*
				Avg Of Amount of Land in Plea:		***9.12** Acres*
	Assizes of Novel Disseisin					
		de communa pasture	**448**	P	0.00	
		de communa pasture	**835**	D	0.00	
	de communa pasture Count		**2**			
		de communa pasture et nocumentum	**259**	P	4.00	Acres
	de communa pasture et nocumentum Count		**1**			
		Nove disseisine	**201**	D	2.50	Acres
		Nove disseisine	**218**	D	0.00	
		Nove disseisine	**337**	D	0.00	
		Nove disseisine	**347**	D	4.00	Acres
		Nove disseisine	**357**	D	4.00	Acres
		Nove disseisine	**573**	D		
		Nove disseisine	**592**	W	0.10	Acres
		Nove disseisine	**698**	D		
		Nove disseisine	**722**	D	30.00	Acres
		Nove disseisine	**741**	D	1.00	Acres
		Nove disseisine	**844**	D		
		Nove disseisine	**861**	P	60.00	Acres
		Nove disseisine	**862**	D	30.00	Acres
		Nove disseisine	**864**	D	0.75	Acres
	Nove disseisine Count		**14**			
		Nuisance	**519**	D	0.00	
		Nuisance	**841**	D	0.00	
	Nuisance Count		**2**			
				Sum Of Amount of Land in Plea:		***136.35** Acres*
				Avg Of Amount of Land in Plea:		***9.92** Acres*
	Assizes Utrum					
		Utrum	**276**	D	0.00	
		Utrum	**344**	P	3.25	Acres
		Utrum	**548**	D	2.00	Acres
	Utrum Count		**3**			
				Sum Of Amount of Land in Plea:		***5.25** Acres*
				Avg Of Amount of Land in Plea:		***2.63** Acres*
	Miscellaneous Actions					
		De Libertate Probanda	**941**	N	0.00	
		De Libertate Probanda	**995**	N	0.00	
		De Libertate Probanda	**1013**	N	0.00	
		De Libertate Probanda	**1014**	N	0.00	
		De Libertate Probanda	**1140**	N	0.00	
	De Libertate Probanda Count		**5**			
		De Nativo Habendo	**527**	P	0.00	
		De Nativo Habendo	**602**	P	0.00	
		De Nativo Habendo	**1108**	P	0.00	

Plea Type	*Action Type*	*Writ/plea*	*Item Number*	*Result of Plea*	*Amount of Land in Plea*	*Units of Land Held In Plea*
	De Nativo Habendo Count		3			
		Exaction of Services (for Ancient Demesne)	**1118**	D	0.00	
	Exaction of Services (for Ancient Demesne) Count		1			
		Nativitatis	**200**	V	0.00	
		Nativitatis	**483**	A	0.00	
	Nativitatis Count		2			
		Terre	**1009**	D	0.00	
	Terre Count		1			
	Personal Actions					
		Placito transgressionis	**1104**	W	0.00	
	Placito transgressionis Count		1			
				Sum Of Amount of Land in Civil Pleas:		***375.15*** *Acres*
				Avg Of Amount of Land in Civil Pleas:		***8.64*** *Acres*
	Total No. of Civil Pleas for Villeins		61			
Essoins						
	Miscellaneous Actions					
		Nativitatis	**12**		0.00	
		Nativitatis	**16**		0.00	
	Nativitatis Count		2			
	Total No. of Essoins		2			
Foreign Pleas						
	Actions of Entry					
		Alienation by Villein	**412**	D	2.80	Acres
	Alienation by Villein Count		1			
				Avg Of Amount of Land in Plea:		***2.80*** *Acres*
	Appellate Proceedings					
		Attaint of *Novel disseisin*	**775**	A	0.00	
	Attaint of *Novel disseisin* Count		1			
	Miscellaneous Actions					
		De Nativo Habendo	**330**	N	0.00	
		De Nativo Habendo	**356**	J	0.00	
		De Nativo Habendo	**982**	A	0.00	
	De Nativo Habendo Count		3			

Plea Type	*Action Type*	*Writ/plea*	*Item Number*	*Result of Plea*	*Amount of Land in Plea*	*Units of Land Held In Plea*
	Personal Actions					
		De fine facto	**297**	D	50.00	Acres
	De fine facto Count		**1**			
		placito convencionis	**1017**	A	0.00	
	placito convencionis Count		**1**			
				Sum Of Amount of Land in Plea:		***50.00** Acres*
				Avg Of Amount of Land in Plea:		*25.00 Acres*
				Sum Of Amount of Land in Foreign Pleas:		***52.80** Acres*
				Avg Of Amount of Land in Foreign Pleas:		***10.56** Acres*
	Total No. of Foreign Pleas		**7**			
	Total No. of Pleas of all Types involving Villeins		**70**			
		Amount of Land in Plea Grand Total	***427.95***	*Acres*		

Note 1 for Result of Plea: A = Agreed (7), D = for Defendant (39), J = Adjourned (4),
P = for Plaintiff (8), V = Void (1), W = Withdrawn (3),
N = Not Prosecuted (6),

Total = 68 pleas plus 2 Essoins

Appendix L(i) - Villeins - Size of Tenements in Disputes (Suffolk Pleas)

Action Type	Group A < or = 9	%	Group B > 9 to 30	%	Group C > 30 to 120	%	Group D > 120	%	Total A to D	% of pleas with land	Pleas with No Land Shown	Total Pleas
Actions of Dower	1	100.0	0	0.0	0	0.0	0	0.0	1	2.8	0	1
Actions of Entry	4	80.0	1	20.0	0	0.0	0	0.0	5	13.9	0	5
Actions of Right	3	60.0	1	20.0	1	20.0	0	0.0	5	13.9	1	6
Actions on Limited Descents	10	76.9	2	15.4	1	7.7	0	0.0	13	36.1	1	14
Appellate Proceedings	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0
Assizes of Darrein Presentment	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0
Assizes of Novel Disseisin	7	70.0	2	20.0	1	10.0	0	0.0	10	27.8	9	19
Assizes Utrum	2	100.0	0	0.0	0	0.0	0	0.0	2	5.6	1	3
Miscellaneous Actions	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	12	12
Personal Actions	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	1
Prohibitions to Courts Christian	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0
												0
Total	**27**	**75.0**	**6**	**16.7**	**3**	**8.3**	**0**	**0.0**	**36**	**100.0**	**25**	**61**
	20 of Group A are for tenements of 4 acres or less or almost 75% of this total.											

Appendix M

Analysis of Pleas Involving Women[28]

Appendix M(i) Analysis of Pleas involving Women by Action and Indicates Their Role in the Plea and Their Involvement with Men in the Plea

Action Type	*Writ/plea*	*Total Of Item Numbers for Women*	*Pl & Def[29] - Both have Male and Females - B*	*Def are Females only - D*	*Def & Pl are Females only - F*	*Def are both Male and Female - G*	*Pl are Male and Female - N*	*Pl are Female Only - P*	*Pl are Female only and Def are Male and Females - R*	*Pl are Male and Females and Def are Females only - S*
Actions of Dower	dotis	63	6		5		5	42	5	
Actions of Entry	ad communem legem	3		1					2	
	ad terminum qui preteriit	7				2		3	1	1
	Alienation by Villein	2						1		1
	cui in vita	11	1					9	1	
	Dum infra etatem	3		1			1	1		
	per intrusionem	1		1						
	sine assensu viri	1					1			
	unspecified	12				1	3	8		
Actions of Right	Advocacionis	2					2			
	Consuetudinum	3			1		1	1		

[28] From Appendices M and N it is shown that there are 529 occurrences of women involved in 397 separate pleas.
[29] Note: 'Pl' = Plaintiff, and 'Def = Defendant. The letters at the end of this and the following columns is an indicator on the database, which identifies the sex of the plaintiffs or defendants.

Action Type	*Writ/plea*	*Total Of Item Numbers for Women*	*Pl & Def[29] - Both have Male and Females - B*	*Def are Females only - D*	*Def & Pl are Females only - F*	*Def are both Male and Female - G*	*Pl are Male and Female - N*	*Pl are Female Only - P*	*Pl are Female only and Def are Male and Females - R*	*Pl are Male and Females and Def are Females only - S*
	et Serviciorum									
	custodie	3		1		1		1		
	Habeas corpora iiii militum	1				1				
	Precipe	40	1	3		18	9	6	3	
	Precipe in capite	1				1				
	redditus	1		1						
	Terre	3					1	1	1	
	Writ of Right	5		1		1		2		1
Actions on Limited Descents	Cosinage	3			2	1				
	Mort d'Ancester	58	5	6	3	11	7	22	2	2
	Nuper Obiit	1							1	
Appellate Proceedings	Attaint of ***Novel disseisin***	1						1		
	Not known	1					1			
	unspecified	1		1						
Assizes of Darrein Presentment	presentavit ultimam	2					1	1		
Assizes of *Novel disseisin*	de communa pasture	6	1			2	1	2		
	de communa pasture et nocumentum	1						1		
	Nove disseisine	71	5	3		8	25	28	2	
	Nuisance	3					1	2		

Appendix M(ii) Analysis of Pleas involving Women by Action and Indicates the Result of the Plea

Action Type	*Agreements*	*Both for Pl or Def*	*For Defendant*	*Adjournements*	*Not Prosecuted*	*For Plaintiff*	*Void*	*Withdrawn*	*Total Pleas*	*Per Cent*
Actions of Dower	6		9	24	6	18			63	15.87
Actions of Entry	3	1	9	9	9	7		2	40	10.08
Actions of Right	21		6	25	3	3		1	59	14.86
Actions on Limited Descents	10		22	7	15	6		2	62	15.62
Appellate Proceedings	1				2				3	0.76
Assizes of Darrein Presentment				1			1		2	0.50
Assizes of *Novel disseisin*	2		31	1	11	34		3	82	20.65
Assizes Utrum	3		2	1		8	2		16	4.03
Miscellaneous Actions	15		3	4	5	4	4		35	8.82
Personal Actions	6		5	10	7	2	2	1	33	8.31
Prohibitions to Courts Christian			1	1					2	0.50
Total	**67**	**1**	**88**	**83**	**58**	**82**	**9**	**9**	**397**	**100.00**

Total Pleas reaching a Conclusion (and % of Total Pleas)	**238**	**(59.95)**
Total Pleas as above & including Pleas Not Prosecuted	**296**	**(74.56)**

Appendix N

Analysis of Actions Involving Women by Results of the Pleas

Action Type	*Women as*	*Agreement*	*Both Pl & Def*	*For Defendant*	*Adjournment*	*Not Prosecuted*	*For Plaintiff*	*Void*	*Withdrawn*	*Total by Action Type*	*Per Cent*
Actions of Dower	Defendant			5	13	1	4			23	4.35
	Plaintiff	6		9	24	6	18			63	11.91
Actions of Entry	Defendant	2	1	4	5	1	1			14	2.65
	Plaintiff	2		10	8	9	6		2	37	6.99
Actions of Right	Defendant	10		8	17	3	2		5	45	8.51
	Plaintiff	18		4	14		2			38	7.18
Actions on Limited Descents	Defendant	6		16	6	7	2		1	38	7.18
	Plaintiff	7		20	6	18	6		2	59	11.15
Appellate Proceedings	Defendant					1				1	0.19
	Plaintiff	2				1				3	0.57
Assizes of Darrein Presentment	Plaintiff				1			1		2	0.38
Assizes of *Novel disseisin*	Defendant	1		17	1	3	13		1	36	6.81
	Plaintiff	1		23		13	32		2	71	13.42

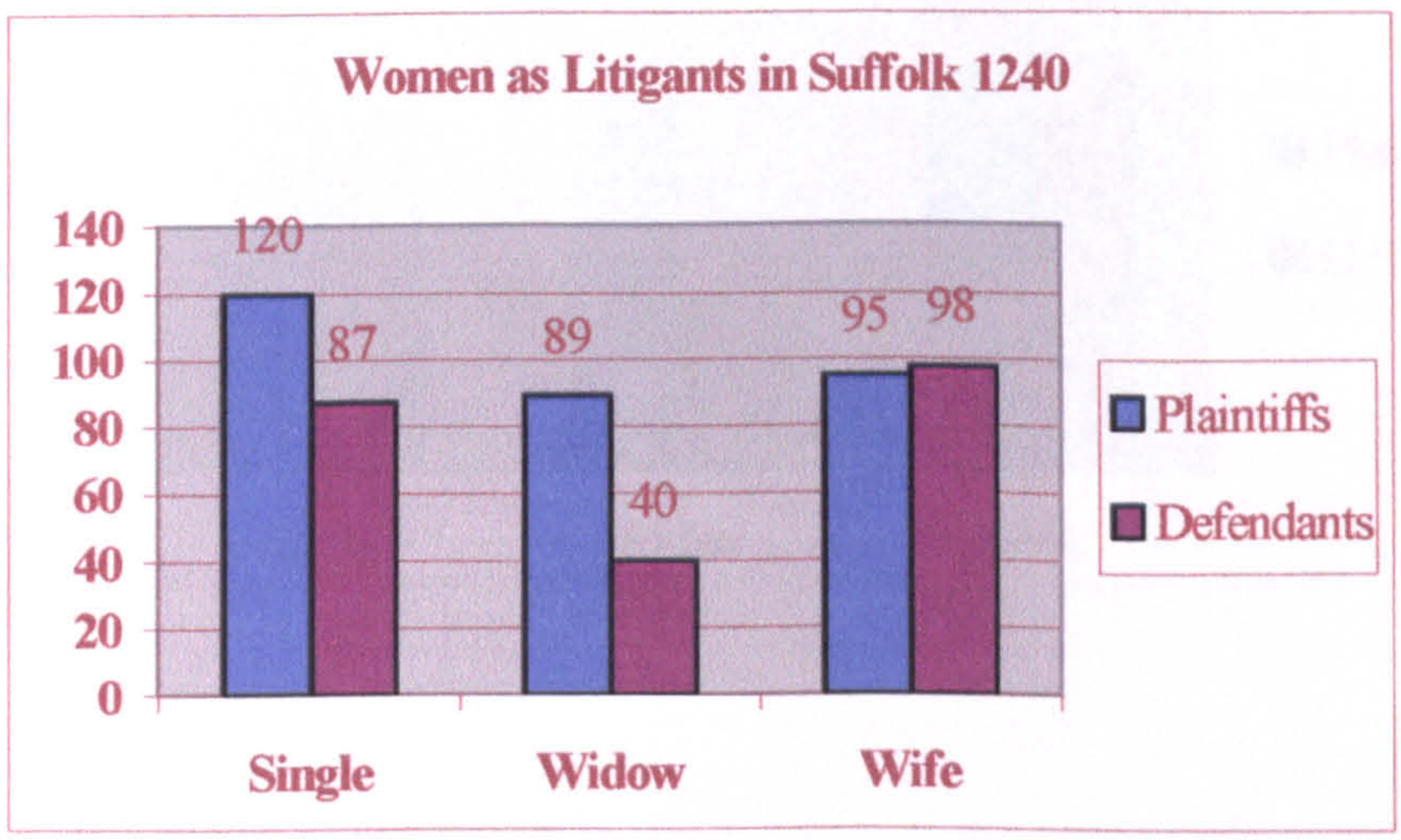
Action Type	*Women as*	*Agreement*	*Both Pl & Def*	*For Defendant*	*Adjournment*	*Not Prosecuted*	*For Plaintiff*	*Void*	*Withdrawn*	*Total by Action Type*	*Per Cent*
Assizes Utrum	Defendant	3		2			13	4		22	4.16
Miscellaneous Actions	Defendant	12			2	3	5	1		23	4.35
	Plaintiff	3		2	2	2		4		13	2.46
Personal Actions	Defendant	5		4	6	6		1		22	4.16
	Plaintiff	3		3	5	2	2	1	1	17	3.21
Prohibitions to Courts Christian	Defendant			1						1	0.19
	Plaintiff				1					1	0.19
	Total as Defendant	40	1	58	50	25	40	6	7	227	42.99
	Per Cent of Grand Total	49.38	100.00	45.31	45.05	32.89	37.74	50.00	50.00	42.91	
	Total as Plaintiff	41	0	70	61	51	66	6	7	302	57.01
	Percent of Grand Total	50.62	0.00	54.69	54.95	67.11	62.26	50.00	50.00	57.09	
	Grand Total all Pleas	**81**	**1**	**128**	**111**	**76**	**106**	**12**	**14**	**529**	**100.00**
	Per Cent	15.31	0.19	24.20	20.98	14.37	20.04	2.27	2.65	100.00	

Appendix O

Analyses of Women by Marital Status

Appendix O(i) Marital Status of Women (All Occurrences)[30]

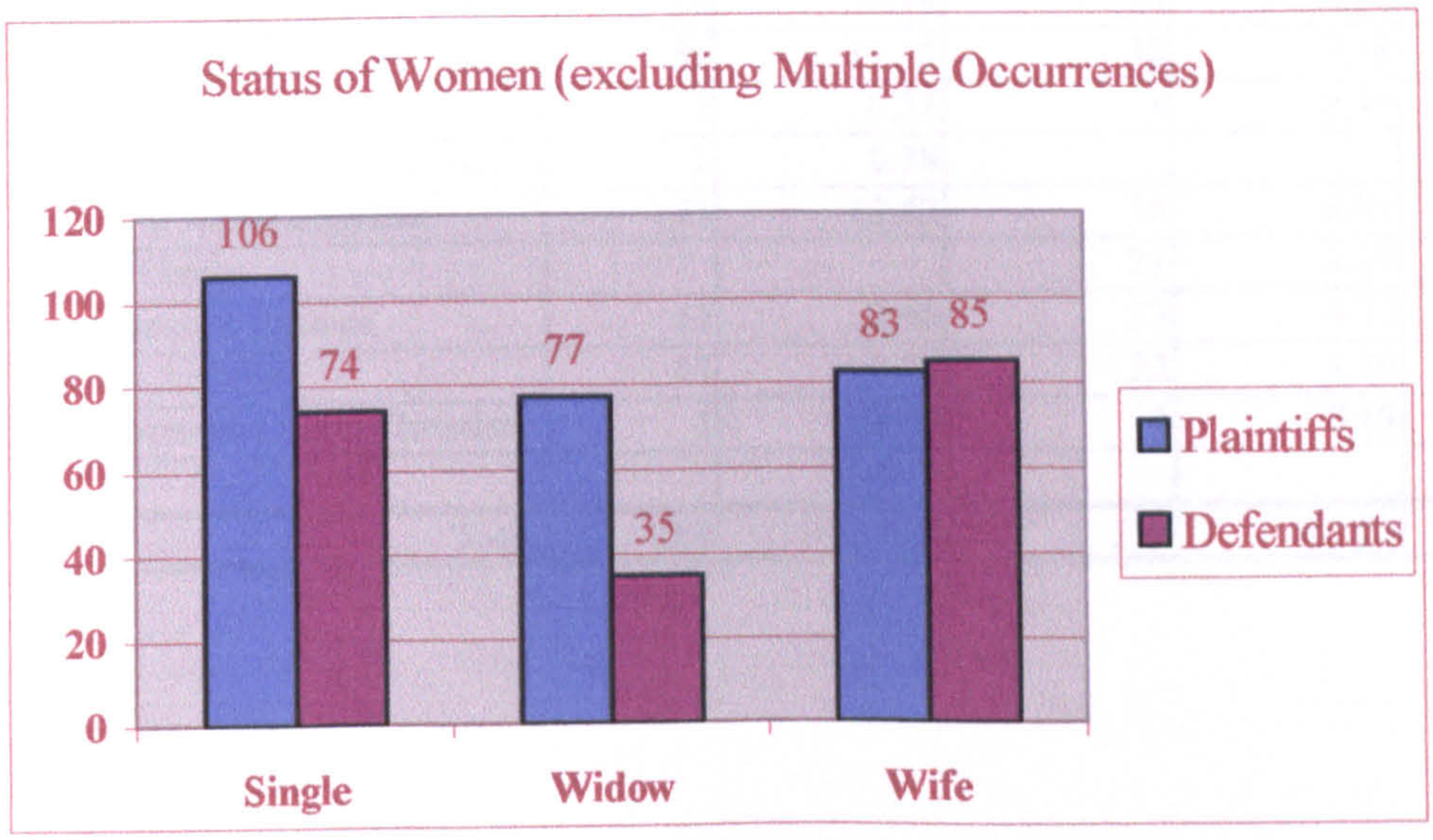
Marital Status	*Plaintiff*	*Defendant*	*Total*
Single (Spinster)	120	87	207
Widow	89	40	129
Wife	95	98	193
Total	**304**	**225**	**529**



Appendix O(ii) Marital Status of Women (Excluding Multiple Appearances)[31]

[30] This means all the women named in the plea roll where they appear as a defendant or plaintiff and split by their marital status.

Marital Status	*Plaintiff*	*Defendant*	*Total*
Single (Spinster)	106	74	180
Widow	77	35	112
Wife	83	85	168
Total	**266**	**194**	**460**



[31] This means that from the plea roll it can be ascertained that there was 460 individual women who had an interest in the pleas. Some were obviously involved in more than one plea. Their status in the first plea, and whether they were the plaintiff or defendant are the criteria by which they appear in the table below. The criterion for assuming the same woman was involved in more than one plea was that they had the same 'Surname' and 'Christian Name' and/or they apparently had the same husband/father etc.

Appendix P -

Actions pursued and defended by women in Suffolk in 1240 (all occurrences) By Action Type

Action Type	*as Plaintiff*	*Per Cent of Total*	*as Defendant*	*Per Cent of Total*	*Total*
Actions of Dower	63	11.91	23	4.35	86
Actions of Entry	37	6.99	14	2.65	51
Actions of Right (inc. wardship)	38	7.18	46	8.70	84
Actions on Limited Descents	59	11.15	38	7.18	97
Appellate Proceedings[32]	3	0.57	1	0.19	4
Assizes of Darrein Presentment	2	0.38			2
Assizes of ***Novel disseisin***	71	13.42	36	6.81	107
Assizes Utrum			21	3.97	21
Miscellaneous Actions	13	2.46	23	4.35	36
Personal Actions	17	3.21	22	4.16	39
Prohibitions to Courts Christian	1	0.19	1	0.19	2
Total	**304**	**57.47**	**225**	**42.53**	**529**

[32] These are for the Attaint of *Mort d'ancestor* and *Novel disseisin*.

Appendix Q

Analyses of Types of Persons Named in the Roll

Appendix Q(i) Analysis by Role in the Judicial Process[33]

Person Type Description	*Total Named Individuals*
Acts for Defendant or Plaintiff	4
Attachee	46
Attorney	158
Champion in trial by battle	4
Defendant	1959
Defendant and Surety in the same plea	34
Defendant and Voucher to Warranty in same plea	33
Essoiner	115
Guardian	6
Juror	407
Knight in view, grand assize, witness	104
Lord of the fief	6
Office Holder	125
Person named and seised of property at one time, probably dead	311
Plaintiff	1368
Plaintiff and Defendant in same case	3
Plaintiff and Surety in the same case	10
Plaintiff and Voucher to Warranty	2
Recognitor	45
Saint	42
Suitor with Plaintiff or Defendant	50
Sureties or Pledges	722
Unknown	145
Villein	17
Voucher to Warranty	117
Ward	4
Witness	15
Total Named Individuals in the Roll	**5852**
Total Named Individuals excluding King, Saints, or dead persons etc.	**5364**[34]

[33] This table includes all the named persons in the Plea Roll - living or dead.

[34] This total includes 2 of the Guardians that appear to have attended the eyre. The rest excluded are the 4 other Guardians, 6 Lords of the fiefs, the 125 Office Holders - these are accounted for as not attending but mentioned in the text - the 311 persons seised at one time but now probably dead and finally the 42 references to named saints. It is assumed that the remaining person types attended at one or more of the locations in the Suffolk Eyre. Also note that this total includes multiple occurrences of the same individual.

Appendix Q(ii) Analysis of Those in Roll Indicated as Holding an Office

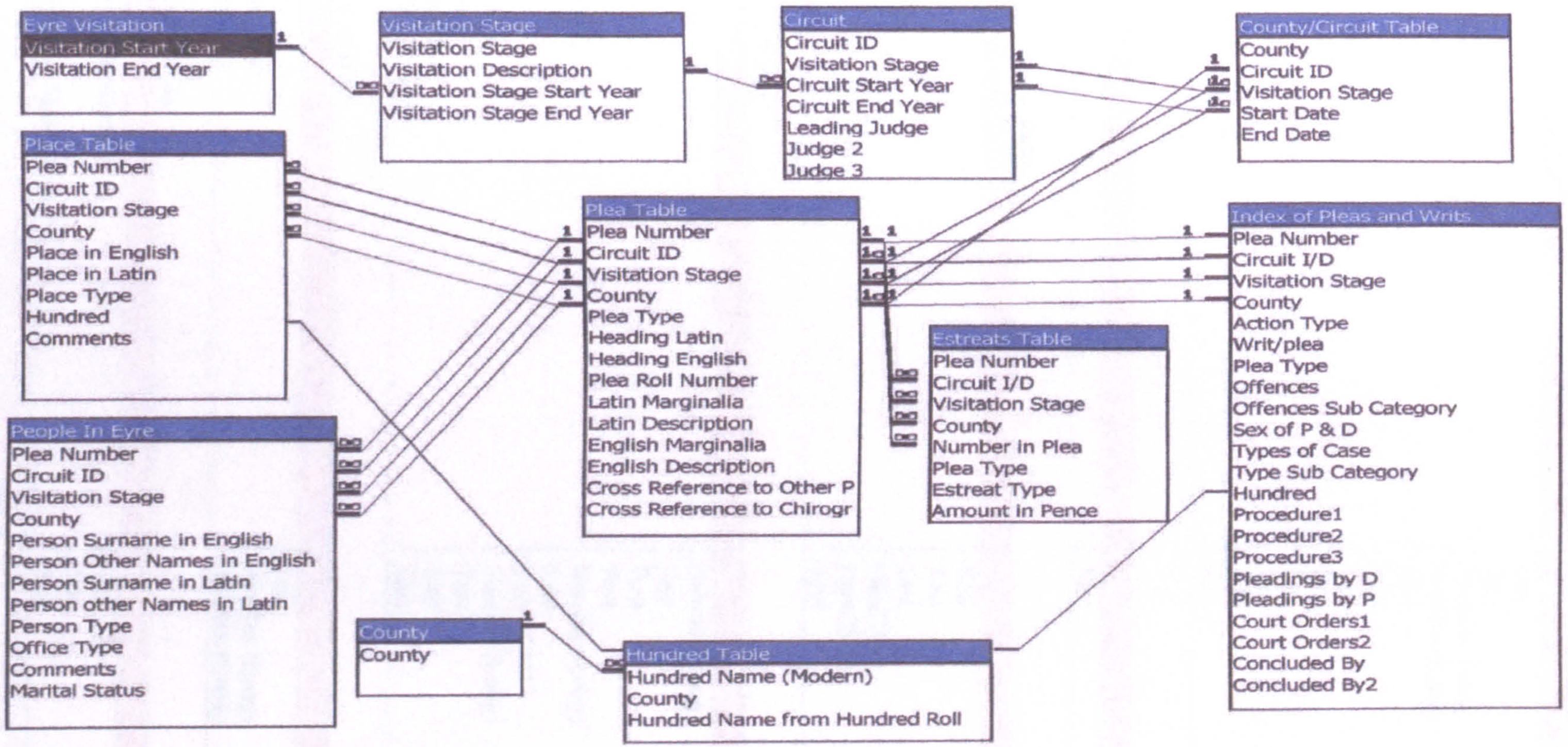
Office Holder Description	*Total Named Individuals*
Abbot	34
Archdeacon	1
Attorney	151
Bailiff	12
Bishop	23
Brother in a religious house	4
Chancellor	1
Chaplain	16
Clerk	10
Constable	2
Coroners	2
Dean	8
Earl	18
Elector	2
Forest Officer	2
Judge	11
Keeper	2
King	71
Knight	390
Lord	2
Marshall	2
Master	23
Member of the King's Wardrobe	1
Monk	1
Parker	1
Parson	41
Patron to church or other body	6
Priest	2
Prior	55
Prioress	11
Rector	2
Reeve	4
Sacristan	2
Seneschal	2
Sergeant	8
Sheriff	13
Vicar	1
Total Individuals With Office	**937**
Total Individuals with No Office	**4915**

Appendix R

Database Design

This relational database has been designed using Microsoft Access.

Appendix R(i) Relationship Diagram



Appendix R(ii) Database Tables

Table: **Circuit**

Name	*Type*	*Size*
Circuit ID[35]	Text	25
Visitation Stage	Text	30
Circuit Start Year	Number (Long)	4
Circuit End Year	Number (Long)	4
Leading Judge	Text	30
Judge 2	Text	30
Judge 3	Text	30
Judge 4	Text	30
Judge 5	Text	30
Judge 6	Text	30
Judge 7	Text	30
Judge 8	Text	30

Table: **County**

Name	Type	Size
County	Text	30

Table: **County/Circuit Table**

Name	*Type*	*Size*
County	Text	25
Circuit ID	Text	25
Visitation Stage	Text	25
Start Date	Date/Time	8
End Date	Date/Time	8
Plea Rolls	Text	200

Table: **Estreats Table**

Name	*Type*	*Size*
Plea Number	Number (Long)	4
Circuit I/D	Text	30
Visitation Stage	Text	25
County	Text	30
Number in Plea	Number (Long)	4
Plea Type	Text	2
Estreat Type	Text	2
Amount in Pence	Number (Long)	4
Amount in Roll	Text	50
Membrane Number	Text	4
Associated Plea Number	Text	20

Table: **Eyre Visitation**

Name	*Type*	*Size*
Visitation	Text	60
Visitation Start Year	Number (Long)	4
Visitation End Year	Number (Long)	4

Table: **Hundred Table**

Name	*Type*	*Size*
Hundred Name (Modern)	Text	30
County	Text	30
Hundred Name from Hundred Roll	Text	30

[35] These items coloured like this indicates they form part of the primary key of the table.

Appendix R(ii) contd.

Table: **Index of Pleas and Writs**

Name	*Type*	*Size*
Plea Number	Number (Long)	4
Circuit I/D	Text	30
Visitation Stage	Text	25
County	Text	30
Action Type	Text	50
Writ/plea	Text	50
Plea Type	Text	2
Offences	Text	50
Offences Sub Category	Text	50
Sex of P & D	Text	1
Types of Case	Text	30
Type Sub Category	Text	30
Hundred	Text	30
Procedure1	Text	100
Procedure2	Text	100
Procedure3	Text	100
Pleadings by D	Text	100
Pleadings by P	Text	100
Court Orders1	Text	100
Court Orders2	Text	100
Concluded By	Text	100
Concluded By2	Text	100
Concluded By 3	Text	100
Pleadings by Appellee	Text	100
Result of Plea	Text	1
Transfer to Another Court orCounty	Yes/No	1
Court or County(if known)	Text	30
Money Raised from Amercements	Number (Long)	4
Money Expressed on Plea Roll	Text	100
Money Raised from Agreements etc	Number (Long)	4
Pipe Roll	Text	15
Amount of Land in Plea	Number (Single)	4
Units Land Held In	Text	20
On Death of	Text	10

Table: **People In Eyre**

Name	*Type*	*Size*
Plea Number	Number (Long)	4
Circuit ID	Text	30
Visitation Stage	Text	30
County	Text	30
Person Surname in English	Text	35
Person Other Names in English	Text	50
Person Surname in Latin	Text	35
Person other Names in Latin	Text	50
Person Type	Text	2
Office Type	Text	2
Comments	Text	100
Marital Status	Text	6

Appendix R(ii) contd.

Table: **Place Table**

Name	*Type*	*Size*
Plea Number	Number (Long)	4
Circuit ID	Text	30
Visitation Stage	Text	30
County	Text	30
Place in English	Text	50
Place in Latin	Text	50
Place Type	Text	2
Hundred	Text	30
Comments	Text	100

Table: **Plea Table**

Name	*Type*	*Size*
Plea Number	Number (Long)	4
Circuit ID	Text	30
Visitation Stage	Text	25
County	Text	30
Plea Type	Text	2
Heading Latin	Memo	-
Heading English	Memo	-
Plea Roll Number	Text	12
Latin Marginalia	Text	200
Latin Description	Memo	-
English Marginalia	Text	200
English Description	Memo	-
Cross Reference to Other Pleas	Text	50
Cross Reference to Chirograph	Text	50
Membrane Number	Text	4

Table: **Visitation Stage**

Name	*Type*	*Size*
Visitation Stage	Text	30
Visitation Description	Text	60
Visitation Stage Start Year	Number (Long)	4
Visitation Stage End Year	Number (Long)	4

There are other tables in this database but they are mostly reference tables which can be accessed when inserting a new record to choose an instance of that field. For example; 'Plea type' has the following possibilities, 'A' for Attorneys, 'Ag' for Agreements, 'Am' for Amercements, 'Ci' for Civil Pleas, 'Cr' for Crown Pleas, 'E' for Essoins, 'F' for Foreign Pleas. It also includes tables which allow input of some common results of a plea with other eyre rolls printed[36].

The database also contains tables which are used in many of the analyses in this thesis. These are not included as they are created as a result of the 'Query' created to produce the Analysis to be inserted in this thesis.

The database is not necessarily complete and may change as a result of any analysis requirements when the Crown Pleas are investigated.

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[36] For example; Procedures, Court Orders, Pleading by a Plaintiff or Defendant or Conclusions to a plea are based largely on those used in Clanchy, 'Index of Pleas and Writs', *Berkshire Eyre 1248*, pp. 565-585 and Harding, 'Index of Pleas', *Shropshire, Eyre 1256*, pp. 381-395. There are others that are specific to those found in the Suffolk Eyre itself.

BIBLIOGRAPHY

This list consists of those documents and books to which reference has been made in the text and any other books and articles which is considered relevant. It does not include the many other books and articles which have been consulted in the course of research.

Manuscript Sources

A NATIONAL ARCHIVES

Chancery
C.60 (Fine Rolls).
CP 25(1) (Feet of Fines).
Patent Rolls - Meekings Notes, in the shoebox in the strong room at the National Archives, 22 Henry III, C66/48, etc. These notes are Meeking's transcriptions of what is left of the Patent Rolls for 1238-1240 of the possessory assizes and gaol deliveries called during these years and which are shown on the dorse side of the Patent Rolls, but which were left out of the printed Patent Rolls published for the years 1232-1247.

Exchequer
E159 (King's Remembrancer: Memoranda Rolls).
E163 (King's Remembrancer: Miscellanea of the Exchequer).
E368 (L.T.R. King's Remembrancer: Memoranda Rolls).
E.372 (Pipe Rolls).
E401 (Receipt Rolls)

Judicial Records
CP.40 (Common Bench plea rolls).
JUST1 (Eyre Rolls).

Printed Primary Sources
The short title by which citations are made in the footnotes is shown in alphabetical order.

Ann. Mon.	*Annales Monastici*, ed. H.R. Luard (5 vols., Rolls series, 1864-1869). Vol. i: the annals of Tewkesbury Abbey and Burton Abbey; vol. ii the annals of Winchester cathedral priory and Waverley Abbey; vol. iii the annals of Bermondsay Abbey and Dunstable Priory; vol. iv the annals of Worcester Priory.
1248 Berkshire Eyre	*The Roll and Writ File of the Berkshire Eyre, 1248*, ed. M.T. Clanchy (Selden Society, 90, 1973).
Blythburgh Priory	*Blythburgh Priory Cartulary*, ed. C. Harper-Bill (2 vols., Suffolk Records Society, 1980).
Book of Fees	*Liber Feodurum. The Book of Fees, commonly called Testa de Nevill* (3 vols., H.M.S.O., 1920-1931).
Brevia Placitata	*Brevia Placitata*, ed. by G. J. Turner with additions by T. F. T. Plucknett (Selden Society, 66, 1951).
Bury Chronicle	*The Chronicle of the Abbey of Bury St. Edmunds*, translated with an Introduction and Notes by D. Greenway and J. Sayers (Oxford, 1989).
Bracton	*Bracton on the Laws and Customs of England*, ed. G.E. Woodbine, translated with revisions and notes by S.E. Thorne (4 vols., Cambridge, Mass., 1968-1977).
Bracton's Note Book	*Bracton's Note Book*, ed. F. W. Maitland (3 vols., London, 1887).
Cal. Chart. Rolls	*Calendar of Charter Rolls* 6 vols. (HMSO, 1903 -).
Cal. Feet of Fines - Suff.	*Calendar of Feet of Fines for Suffolk*, ed. Walter Rye (Ipswich, 1900).
Cal. Inq.	*Calendar of Inquisitions 1219-1307* (3 vols., H.M.S.O., 1916 -).
Cal. Inq. Post Mortem	*The Calendar of Inquisitions Post Mortem* (H.M.S.O., 1904 -).
Cal. Lib. Rolls	*Calendar of Liberate Rolls* (H.M.S.O., 1916 -).
Cal. Pat. Rolls	*Calendar of Patent Rolls* (H.M.S.O., 1906 -).

Bibliography

Casus Placitorum	*Casus Placitorum*, ed. W. H. Dunham (Selden Society, 69, 1952).
Charters Med. Hosp. BSE	*Charters of the Medieval Hospitals of Bury St. Edmunds*, ed. Christopher Harper-Bill (Suffolk Records Society, 1994).
Chronica Majora	*Mattheai Parisiensis, Monachi Sancti Albani, Chronica Majora*, ed. H. R. Luard (7 vols., Rolls Series, 1872-1883).
Close Rolls	*Close Rolls, Henry III* (H.M.S.O., 1902 -) cited by dates.
Curia Regis Rolls	*Curia Regis Rolls of the reigns of Richard I, John and Henry III preserved in the Public Record Office* (19 vols., 1922-2003) The volumes cited are indicated by the years in the volume.
DBM	*Documents of the Baronial Movement of Reform and Rebellion, 1258-1267*, ed. R. F. Treharne and I. J. Sanders(London, 1973).
1281 Derbyshire Eyre	*The Rolls of the 1281 Derbyshire Eyre*, ed. Aileen M. Hopkinson with an introduction by David Crook (Derbyshire Rec. Soc., 2000).
1238 Devon Eyre	*Crown Pleas of the Devon Eyre of 1238*, ed. H. Summerson (Devon and Cornwall Record Society, new series, 28, 1985).
Domesday Book - Cambs	*Domesday Book - Cambridgeshire*, ed. Alexander. Rumble (History from the Sources, general ed. John Morris, Chichester, 1981).
Domesday Book - Essex	*Domesday Book - Essex*, ed. Alexander. Rumble (History from the Sources, general ed. John Morris, Chichester, 1983).
Domesday Book - Norfolk	*Domesday Book - Norfolk*, Part One & Two, ed. Philippa Brown (History from the Sources, general ed. John Morris, Chichester, 1984).
Domesday Book - Suffolk	*Domesday Book - Suffolk*, Part One & Two, ed. Alex. Rumble (History from the Sources, general ed. John Morris, Chichester, 1986).
Early Registers of Writs	*Early Registers of Writs*, ed. by Elsa de Haas and G.D.G. Hall (Selden Society, 87, 1970).
EHD III	*English Historical Documents - 1189-1327*, III, ed. Harry Rothwell (1975).
Eye Priory	*Eye Priory Cartulary and Charters*, ed. Vivien Brown (2 vols., Suffolk Records Society, 1992, 1994).
Feudal Aids 1284-1431	*Feudal Aids 1284 - 1431* 7 vols. (HMSO by Mackie and Co. Ltd, 1904).
Fleta	*Fleta*, ed. by H. G. Richardson and G. O. Sayles (3 vols., Selden Society, 1955-).
Flores Historiarum	*Flores Historiarum*, ed. H. R. Luard, 3 vols. (HMSO, 1896).
Gesta Regis	*Gesta Regis Henrici Secundi Benedicti Abbatis*, ed. W. Stubbs (2 vols., Rolls Series, 1867.).
Glanvill	*Tractatus de legibus et consuetudinibus regni Anglie qui Glanvilla vocatur*, ed. G.D.G. Hall, (London, 1965).
Glouc, War, Staffs Eyre	*Rolls of the Justices in Eyre being the Rolls of Pleas and Assizes for Gloucestershire, Warwickshire and Staffordshire, 1221, 1222*, ed. Doris Mary Stenton (Selden Society, 59, 1940).
Hoveden	*Chronica de Rogeri de Hoveden*, ed. W. Stubbs (4 vols., Rolls Series, 1871).
Lay Subsidy Roll 1327	*Lay Subsidy Roll 1327*, ed. S.H.A. Hervey, Vol. ii (Suffolk Green Books, No. IX, Woodbridge, 1906).
Letters Grosseteste	*Letter of Robert Grosseteste*, ed. H.R. Luard (Rolls Series, London, 1861-1863).
Liberate Rolls	*Calendar of Liberate Rolls - Henry III 1226-1240* (Vol. 1, HMSO, 1916)
Lincs, Worcs Eyre	*Rolls of the Justices in Eyre being the Rolls of Pleas and Assizes for Lincolnshire 1218-9 and Worcestershire 1221*, ed. Doris Mary Stenton (Selden Society, 53, 1934).
1244 London Eyre	*The London Eyre of 1244* ed. By H. M. Chew and M. Weinbaum (London Rec. Soc., 1970).
1321 London Eyre	*Year Books of Edward II: The Eyre of London 14 Edward II A.D. 1321*, ed. by Helen Cam (2 vols., Selden Society, 85-86, 1968).
Mirror of Justices	*The Mirror of Justices*, ed. W. J. Whittaker (Selden Society, 7, 1895).
Monumenta Juridica	*Monumenta Juridica: The Black Book of The Admiralty*, ed. T Twiss (4 vols., Rolls Series, 1871-1876).
Novae Narrationes	*Novae Narrationes*, ed. Elsie Shanks (Selden Society, 80, 1963).
Pipe Roll 31 Henry I	*Pipe Roll 31 Henry I*, ed. J. Hunter (Record Commission, London, 1833).
Pipe Roll 26 Henry III	*Great Roll of the Pipe for the 26th Year of the Reign of King Henry III*, ed. H. L. Cannon (Yale, 1918).

Bibliography

Red Book	*Liber Rubeus de Scaccario. The Red Book of the Exchequer*, ed. Hubert Hall (3 vols., Rolls Series, 1896).
Rot. Litt. Claus.	*Rotuli Litterarum Clausarum 1204-27*, ed. T.D. Hardy (2 vols., Record Commission, 1833).
St. Richard, Sources	*St. Richard of Chichester: The Sources of his Life*, ed. D. Jones (Sussex Record Society, 79, 1993).
Sel. Cases King's Bench	*Select Cases in the Court of the King's Bench*, ed. by G. O. Sayles (7 vols., Selden Society, 1937 -).
Sel. Cases Manor. Courts	*Select Cases in Manorial Courts 1250-1550 - Property and Family Law*, ed. L. R. Poos and Lloyd Bonfield (Selden Society, 114, 1998).
Sel. Cases Proc. w/o Writ	*Select Cases of Procedure Without Writ Under Henry III*, ed. H. G. Richardson and G. O. Sayles (Selden Society, 60, 1941).
Sibton Abbey	*Sibton Abbey Cartularies and Charters*, ed. Philippa Brown (4 vols., Suffolk Records Society, 1985).
1256 Shropshire Eyre	*The Roll of the Shropshire Eyre 1256*, ed. Alan Harding (Selden Society, 96, 1981).
Stubbs Select Charters	*Select Charters and other Illustrations of English Constitutional History: From the Earliest Times to the Reign of Edward the First*, ed. William Stubbs, revised by H. W. C. Davis (Oxford, 9th Edtn., 1951).
1235 Surrey Eyre	*The 1235 Surrey Eyre*, ed. C. A. F. Meekings (2 vols., Surrey Record Society, 1979, 1983).
1263 Surrey Eyre	'An Introduction to and Edition of THE SURREY EYRE ROLL of 1263', unpublished thesis by Susan Stewart (2 vols., King's College London, 2001).
1249 Wiltshire Civil Pleas	*Civil Pleas of the Wiltshire Eyre, 1249*, ed. M.T. Clanchy (Wiltshire Record Society, 1971).
1249 Wiltshire Crown Pleas	*Crown Pleas of the Wiltshire Eyre 1249*, ed. C.A.F. Meekings (Wiltshire Archaeological and Natural History Society Records Branch, 1961).

Secondary Sources

The following abbreviations are used in both the bibliography and footnotes:

Ec Hist Rev	*Economic History Review*
EHR	*English Historical Review*
EPNS	*English Place-Name Society*
P&P	*Past and Present*
PRO	*Public Record Office*
TCE	*Thirteenth Century England*, 6 vols., ed. P.R. Coss and S.D. Lloyd (Woodbridge, 1985-1998)
TRHS	*Transactions of the Royal Historical Society*
VCH	*Victoria County History: Suffolk*, (2 vols. London, 1911)

Arnott, W. G.	*The Place-Names of the Deben Valley Parishes* (Ipswich, 1946).
Bailey, Mark	'Peasant Welfare in England, 1290-1348', *Ec Hist Rev*, Li, 2 (1998), pp. 223-251.
Bennett, Judith M.	*Women in the Middle English Countryside, Gender and Household in Brigstock before the Plague* (New York, 1987).
Beresford, Maurice	*The Lost Villages of England* (Gloucester, 1983). *New Towns of the Middle Ages* (London, 1967).
Beresford & Finberg	*English Medieval Boroughs - a Handlist*, (Newton Abbot, 1973) by Maurice Beresford and H. P. R. Finberg.
Biancalana, Joseph	'For Want of Justice: Legal Reforms of Henry II', *Columbia Law Review* (April, 1988). 'Widows at Common Law: The development of common law dower', *Irish Jurist*, New Series, 23 (1988).
Bolton, J. L.	*The Medieval English Economy 1150-1500* (London, 1980)
Brand, Paul	*The Making of the Common Law* (London, 1992). *The Origins of the English Legal Profession* (Oxford, 1992)

Bibliography

Cam, Helen M. 'Studies in the Hundred Rolls' in *Oxford Studies in Social and Legal History*, ed. P. Vinogradoff, viii, (Oxford, 1921).
The Hundred and the Hundred Rolls, (London, 1930).
Liberties & Communities in Medieval England (London, 1963).

Carpenter, D. A. *The Struggle for Mastery: Britain 1066-1284* (Penguin, 2003)
The Reign of Henry III (London, 1996).
The Minority of Henry III (London, 1990).

Cheney, C. R. *Handbook of Dates*, ed. by C. R. Cheney (Cambridge, 1996).

Chrimes, S. B *An Introduction to the Administrative History of Medieval England*, 3rd Edtn. (Oxford, 1966).

Clanchy, M. T. *From Memory to Written Record*, 2nd Edtn. (Oxford, 1993).

Coppinger, W. A. *The Manors of Suffolk* (7 vols., Manchester, 1905-11).
Suffolk Records & MSS. County of Suffolk: Its history as disclosed by existing Records and other documents being Materials for ...The History of Suffolk (6 vols., London, 1904-1907).

Crook, David *Records of the General Eyre* (H.M.S.O., 1982).
'The later eyres', *EHR*, 97 (1982).

Darby, H. C. *The Domesday Geography of Eastern England*, (Cambridge, 1952).

Denholm-Young, N. *Seignorial Administration in England* (London, 1963).

Dodwell, Barbara 'Holdings and Inheritance in Medieval East Anglia', *Ec Hist Rev*, 2nd Series xx, no. 1 (1967).

Douglas, D. C. *The Social Structure of Medieval East Anglia* (Oxford, 1927).

Dyer, C 'Memories of Freedom: attitudes towards serfdom in England, 1200-1350', in *Serfdom and Slavery, Studies in legal bondage*, ed. by M. Bush (London, 1996).
Standards of living in the later Middle Ages: Social change in England, c. 1200-1500 (Cambridge, 1989).
Everyday Life in Medieval England (London, 2000)
Making a Living in the Middle Ages: The People of Britain 850-1520 (New Haven and London, 2002).

Ekwall, E *The Concise Oxford Dictionary of English Place Names* (Oxford, 1960).

Farrer, W *Honors and Knights' Fees* (3 vols., Manchester & London, 1925).

Faulkner, K. 'The Transformation of Knighthood in early Thirteenth Century England', *EHR*, Cxi, (1996).

Gage, John *History and Antiquity of Hengrave in Suffolk*, (London, 1822)

Green, J. *The Government of England under Henry I* (Cambridge, 1986)

Hanawalt, Barbara A. 'Remarriage as an Option for Urban and Rural Widows in Late Medieval England', *Wife and Widow in Medieval England*, ed. S. S. Walker (Ann Arbor, 1993).

Harding, Alan *England in the Thirteenth Century* (Cambridge University Press, 1993).
The Law Courts of Medieval England, (London, 1973).

Harriss, G. L. *King, Parliament, and Public Finance in Medieval England* (Oxford, 1975)

Hatcher, John 'English serfdom and villeinage: Towards a reassessment, in Landlords, Peasants and Politics in Medieval England', *P&P*, no. 90 (1981).

Hilton, R. H. *The Decline of Serfdom in Medieval England* (London & Basingstoke, 1969).
'Freedom and Villeinage in England', *P&P*, No. 31 (1965).

Holt, J. C. *Magna Carta*, 2nd Edtn. (Cambridge, 1992).

Howell, C. *Land, family and inheritance in transition: Kibworth Harcourt, 1280-1700* (Cambridge, 1983).

Howell, Margaret *Eleanor of Provence: Queenship in Thirteenth Century England* (Oxford, 1998).

Hudson, John *The Formation of the English Common Law - Law and Society in England From the Norman Conquest to Magna Carta* (Harlow, 1996).

Hunnisett, R. F. *The Medieval Coroner* (Cambridge, 1961).
Editing Records for Publication (British Records Association, 1977).

Hyams, Paul R. *King, Lords and Peasants in Medieval England: The Common Law of Villeinage in the Twelfth and Thirteenth Centuries*, (Oxford, 1980).

Bibliography

Keefe, Thomas K.	*Feudal Assessments and the Political Community under Henry II and His Sons* (Berkeley & Los Angeles, 1983).
Kitsikopoulos, Harry	'Standards of living and capital formation in pre-plague England: a peasant budget model', *Ec Hist Rev*, Liii, 2 (2000).
Knowles & Hadcock	*Medieval Religious Houses - England and Wales*, by David Knowles and R. Neville Hadcock, 2nd Edtn. (Harlow, 1971).
Jessel, C.	*The Law of the Manor* (Chichester, 1998).
Jones, A.	'Land Measurement in England, 1150-1350', *Agricultural History Review*, vol. xxviii (1979).
Langdon, J.	*Horses, oxen and technological innovation: the use of draught animals in English farming from 1066-1500* (London, 1986).
Lapsley, G.	'The Court, Record and Roll of the County in the 13th Century', *Law Quarterly Review*, Li, (1935).
Latham, R. E.	*Revised Medieval Latin Word List* (London, 1965).
Loengard, J. S.	'*Rationabilis Dos*: Magna Carta and the Widow's "Fair Share" in the Earlier Thirteenth Century', *Wife and Widow in Medieval England*, ed. S. S. Walker (Ann Arbor, 1993).
McKinley, Richard	*Norfolk and Suffolk Surnames in the Middle Ages* (London, 1975)
Maddicott, J. R.	'Magna Carta and the Local Community', *P&P*, 102 (1984).
	Simon de Montfort (Cambridge University Press, 1994)
Maitland, F. W.	*Domesday Book and Beyond* (Cambridge, 1897).
	Township and Borough (Cambridge University Press, 1898).
Meekings, C. A. F.	'Six letters concerning the Eyres of 1226-8', *EHR*, LXV, (1950).
	Studies in 13th Century Justice and Administration (London, 1981). 'Roger of Whitchester (†1258)' *Archaelogia Aeliana*, 4th Series, xxxv (1957).
	'More about Robert Carpenter of Hareslade', *EHR*, Lxxii (1957).
	'The Pipe Roll Order of 12 February 1270' in *Studies presented to Sir Hilary Jenkinson*, ed. J. Conway Davies (Oxford, 1957).
	'The Rutland Eyre of 1253 - a correction', *EHR*, Lxxi (1956).
Miller E.	*The Abbey and Bishopric of Ely* (Cambridge, 1951).
	'The English Economy in the Thirteenth Century: Implications of Recent Research', *P&P*, No. 28 (1964).
Miller & Hatcher	E. Miller and J. Hatcher, *Medieval England, Rural Society and Economic Change 1086-1348* (London, 1978).
Mills, A. D.	*The Oxford Dictionary of English Place Names*, 2nd Edtn. (Oxford, 1998).
Milsom, S. F. C.	'Inheritance by Women in the Twelfth and Early Thirteenth Centuries' in *Studies in the History of the Common Law* (London, 1985).
	Historical Foundations of the Common Law (London, 1969).
Palmer, R. C.	*The County Courts of Medieval England* 1150-1350 (Princeton, 1982).
Parsons, J. C.	'The Intercessory Patronage of Queens Margaret and Isabella of France', *TCE*, vi, (Boydell, 1997).
Pitcairn, Ian	*The Story of Denham*, (Denham Parish Council, 2000).
Plucknett, T. F. T.	*A Concise History of Common Law*, 4th Edtn. (London, 1948).
Pollock & Maitland	Sir Frederick Pollock and Frederic William Maitland, *The History of English Law* (2 vols., 2nd Edtn. Cambridge, 1968).
Poole, Austin Lane	*Obligations of Society in the XII and XIII Centuries* (Oxford, 1946).
Postan, M. M.	*The Medieval Economy and Society* (Penguin Books, 1975).
	'The Chronology of Labour Services', *TRHS*, 4th Series, xx (1937).
	Essays on Medieval Agriculture and General Problems of the Medieval Economy (Cambridge, 1973).
Power, Eileen	*Medieval Women*, ed. M. M. Postan (Cambridge, 1975).
Powicke, F. M.	*King Henry III and the Lord Edward* (2 vols., Oxford, 1947).
	The Thirteenth Century (Oxford, 1953).
Pugh, Ralph B.	*Imprisonment In Medieval England* (Cambridge, 1968).
Quick, J.	'The Number and Distribution of Knights in Thirteenth Century England: The Evidence of the Grand Assize Lists', *TCE*, ed. P. R. Coss and S. D. Lloyd (Vol i, Woodbridge, 1986).
Razi & Smith	Zvi Razi and Richard M. Smith, 'The Origins of the English Manorial Rolls as a Written Record', in *Medieval Society and the Manor Court*, ed. Zvi Razi and Richard M. Smith (Oxford, 1996).

Bibliography

Reaney, P. H. — *A Dictionary of English Surnames*, 3rd Edtn. (Oxford, revised,1997), revised by R. M. Wilson.

Reedy, W. T. — 'The Origins of the General Eyre in the reign of Henry I', *Speculum*, xli (1966).

Ridgeway, H. — 'King Henry III and the aliens', 1236-72', *TCE*, ii (Woodbridge, 1988).

Rigby, S. H. — *English Society in the Later Middle Ages: Class, Status and Gender* (London, 1995).

Shakar, Shulamith — *The Fourth Estate* (Methuen & Co. Ltd, 1983).

Smith, R. M. — 'Women's property rights under customary law: some developments in the thirteenth centuries', *TRHS* (1985).

Stacey, Robert — *Politics, Policy and Finance under Henry III, 1216-1245* (Oxford, 1987).

Stamp, L. Dudley — *The Lands of Britain, Parts 72-73, Suffolk (East and West)*, (London, Geographical Publications Ltd., 1941).

Stenton, Doris M. — 'King John and the Courts of Justice', *Proceeding of the British Academy* (London, xliv, 1958).
English Justice Between the Norman Conquest and the Great Charter (London, 1965).

Summerson, H. R. T. — 'The Structure of Law Enforcement in Thirteenth Century England', *American Journal of Legal History*, xxiii (1979).

Sutherland, D. W. — *The Assize of Novel Disseisin* (Oxford University Press, 1973).
Quo Warranto Proceedings in the reign of Edward I 1278-1294 (Oxford, 1963).

Sweet, Henry — *The Students Dictionary of Anglo Saxon* (Oxford, 1978).

Tait, James — *The Medieval English Borough* (Manchester, 1936).

Thomas, H. M. — *Vassals, Heiresses, Crusaders and Thugs: The Gentry of Angevin Yorkshire* (Philadelphia, 1993).

Titow, J. Z. — *English Rural Society* (London, 1969).

Treharne, — *The Baronial Plan of Reform* (Manchester, reprinted with additional material, 1971).

Turner, Ralph V. — *Men Raised from the Dust - Administrative Service and Upward Mobility in Angevin England* (Philadelphia, 1988).
Judges, Administrators and the Common Law in Angevin England (London, 1994).
The English Judiciary in the Age of Glanvill and Bracton c. 1176-1239 (Cambridge, 1985).

Van Caenegem, R. C. — *Royal Writs in England from the Conquest to Glanvill* (Selden Society, 77, 1959).
The Birth of the English Common Law (Cambridge, 1973).

Vinogradoff, Paul — *Villeinage in England* (Oxford, 1892).

Walker, S. S., — 'Litigation as Personal Quest: Suing for Dower in the Royal Courts, circa 1272-1350', *Wife and Widow in Medieval England*, ed. S. S. Walker (Ann Arbor, 1993).

Ward, Jennifer C. — *English Noblewomen in the Later Middle Ages* (Longman, 1992).
Women in Medieval Europe 1200-1500 (London, 2002).

Warner, Peter — *The origins of Suffolk* (Manchester, 1996).

Warren, W. L. — *The Governance of Norman and Angevin England 1086-1272* (London, 1987).
Henry II (London, 1973).

Waugh, Scott L. — 'Reluctant Knights and Jurors: Respites, Exemptions and Public Obligations in the Reign of Henry III', *Speculum* (lviii, 1983).
The Lordship of England: Royal Wardships and Marriages in English Society and Politics 1217-1327 (Princeton, 1988).

Wilkinson, L. J., — 'Thirteenth-Century Women in Lincolnshire' (University of London, PhD thesis, 1999).

Williamson, J. — 'The Peasant Land Market in Norfolk in the Thirteenth Century', in *The Peasant Land Market in Medieval England*, edt. by P. D. A. Harvey (Oxford, 1984).

Youngs Jr., Frederic A. — *Guide to the Administrative Units of England* (London, 2 vols., 1979), 1. Southern England, 2. Northern England.

INDEX OF PEOPLE AND PLACES

Numbers in coloured *italic* refer to pages in the Introduction. Other numbers refer to entries in the text. Capital letters refer to the Appendices and are also in coloured *italic*. All main Suffolk places and features are on the maps in Appendices C(i)-(vi). Names like 'Robert son of John' are indexed under 'John'.

* signifies that the person in the plea was dead at the time of the eyre in April 1240, or had seisin of the land in question at some time in the past. Compound names are generally listed under both and cross referenced.

Places are shown the Hundred in which they are located. Unidentified places are italicised. For hundreds, see Index of Selected Subjects. For counties in foreign pleas, see App. H (iii).

The Suffolk Eyre Roll JUST 1/818
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II. Actions of dower
III. Actions of entry
IV. Assizes of *novel disseisin*
V. Actions on limited descents
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VII. Actions of darrein presentment
VIII. Miscellaneous actions
IX. Personal actions
X. Crown pleas[2]
XI. Appellate proceedings
XII. Prohibitions to courts Christian

Under each main heading the various types of plea are set out alphabetically in sub-sections Ia, Ib, Ic, etc. To find within which sub-section a particular type of plea or writ is classified, the Index of Subjects may be consulted. For example, under Mort d'ancestor in that index will be found the cross reference '(Vb)'. Where there are numerous references under a main heading or within a particular sub-section, the whole series of references are given first and then the references to pleas are listed again in detail, in such divisions as:

Procedure
Pleading by D
Court orders
Concluded by

Throughout the index 'P' signifies the plaintiff, or demandant, who initiates the action, and 'D' signifies the defendant, deforciant, impedient, or tenant, who opposes the plaintiff. References are to the numbers of the pleas in the text and not to the pages.

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[1] The layout of this section is taken mostly from Clanchy, *Berkshire Eyre' 1248*, pp. 565-585.
[2] They are not included as part of this thesis.

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[4] This is not part of Maitland's layout in *Bracton's Note Book* in the pages shown above but the plea to levy a chirograph is shown in *Early Registers of Writs*, p. 195, writ 376.

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